

25867

March 21, 2012

To: Honorable Members of the  
Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: Request for Authorization to Settle the Lawsuit of Edison Mena v. The County of Westchester, Roger C. Bock and Robert Clark in the amount of \$18,000.00.

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Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit of Edison Mena v. The County of Westchester, Roger C. Bock and Robert Clark in the amount of \$18,000.00.

Plaintiff, a 32 year-old master roofer at the time of the accident, alleges that on February 2, 2009, he was walking in the crosswalk on South Kensico Ave. in the City of White Plains, when a vehicle owned by the County and operated by Roger C. Bock, an investigator with the Westchester County District Attorney's Office, exited a Stop & Shop parking lot behind him and attempted to make a left turn in front of him striking him with the left front bumper and driver's side mirror. Plaintiff claims he was knocked to the ground injuring his left shoulder and neck. An ambulance arrived after the accident and transported the plaintiff to the White Plains Hospital emergency room, where he was examined and released several hours later with instructions to follow up with a medical provider.

On or about February 16, 2009, plaintiff sought follow up treatment with an orthopedic doctor who examined him and ordered him to undergo an MRI of his left shoulder and neck. The MRI revealed a small partial supraspinatus tear in the left shoulder and bulging discs at C3-C4 and C4-C5. Thereafter, plaintiff underwent several sessions of physical therapy and trigger point injections in the left shoulder. The orthopedic doctor recommended surgical intervention to address the plaintiff's left shoulder injury.

On or about July 21, 2010, the plaintiff was examined by the County's No-Fault doctor who also reviewed his MRI films. The County's doctor confirmed that the MRI revealed a small partial supraspinatus tear of the left shoulder and bulging discs at C3-C4 and C4-C5.

Should this matter proceed to trial, the plaintiff would likely argue that the County driver had a duty to yield to pedestrians walking across the street. Specifically, the plaintiff contends that the County driver was negligent in failing to operate his vehicle in a safe and prudent manner so as to avoid striking the plaintiff in violation of the Vehicle and Traffic Laws.

In light of the County's potential exposure and plaintiff's injuries, it is the recommendation of this office that this matter be settled for \$18,000.00. The Westchester County District Attorney's Office concurs in this recommendation.

RJJ/rjj

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/17/2018 - JOMPT/VETA, SECRETARY

# RESOLUTION

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of EDISON MENA v. THE COUNTY OF WESTCHESTER, ROGER C. BOCK, and ROBERT CLARK, in the amount of \$18,000.00; and be it further

RESOLVED, that the County Attorney or his designee is authorized to execute any documents necessary to implement this resolution.

Account to be Charged/ credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			Unit/subunit	Object/sub		
	615	59	0689/3320	4280/05		\$18,000.00

Budget Funding Year(s) 2012 Start Date 1/1/2012 End Date 12/31/2012  
 (must match resolution)

**Funding Source**

<b>Tax Dollars</b>	
<b>State Aid</b>	
<b>Federal Aid</b>	
<b>Other</b>	6N Fund

**\$18,000.00**