

27596

June 4, 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 Joseph Rimi v. Norwood E. Jackson
Correction Center, et al. in the amount of \$75,000.00

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit of Joseph Rimi v. Norwood E. Jackson Correction Center, et al. in the amount of \$75,000.00, inclusive of counsel fees and liens.

The allegations of the Plaintiff are as follows. On July 20, 2005, Plaintiff, then 50 years old, was an inmate at the Westchester County Jail. On the day of the incident, Plaintiff was chosen to work along with other inmates under the direction of two corrections officers, in taking down a twelve foot high and 130 foot long perimeter fence with barbed wire and razor wire on top. Plaintiff claims he was given the wrong equipment to dismantle the fence and that the correction officers supervising the job were negligent. While he was on a ladder, attempting to take down the cross bar of the fence, the cross-bar came loose and dropped to the ground, and the pre-cut vertical post hit Plaintiff's right arm, side and leg. The ladder fell, and Plaintiff's back hit the wall of a nearby building before he fell into some shrubs. The ladder landed underneath his right foot, and the vertical post fell on top of his right foot.

Plaintiff was taken by ambulance to the Westchester Medical Center ("WMC") where he was advised that his right ankle was broken. Plaintiff subsequently underwent surgery on his right ankle and spent three weeks in the hospital thereafter. After his hospital stay, Plaintiff returned to the jail where he was bedridden. Approximately one week later, he was re-admitted to WMC and his leg was placed in a cast. One week after his leg was placed the cast, Plaintiff had surgery to remove four of his toes (all except his big toe). He claims that he was advised by WMC staff that the amputation was necessary because the circulation to his toes had been cut off by the cast and the tissue had died.

Plaintiff used crutches after the amputation of his toes until sometime in 2006, after he left the jail. He does not currently use any supportive device to walk, but testified that whenever possible he leans on whatever is available.

RESOLUTION

Upon the communication of the County Attorney; it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit Joseph Rimi v. Norwood E. Jackson Correction Center, et al. in the amount of \$75,000.00.

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
615	59	0685/2930	4280/03		\$75,000

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

Funding Source Tax Dollars _____

State Aid _____

\$75,000 Federal Aid _____
(must match resolution)

Other: **6N fund - \$75,000**