

29846

October 11, 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 Doreen A. Edwards v. Mark K. Jones and County of Westchester in the amount of \$50,877.52

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit of Doreen A. Edwards v. Mark K. Jones and County of Westchester in the amount of \$50,877.52, of which \$30,000 will be paid to plaintiff for her personal injuries and \$20,877.52 will be paid to plaintiff's insurance carrier, Travelers Property Casualty Corp., for the property damage to her vehicle.

Plaintiff alleges that on December 28, 2009, at approximately 9:24 a.m., while her vehicle was entering the southbound lanes of the Saw Mill River Parkway ("SMRP") from the Taconic Parkway, then County employee Mark K. Jones, who was driving a County box truck, turned left into a cutout of the roadway from the northbound lanes of the Saw Mill River Parkway ("SMRP") to cross the southbound lanes of the SMRP to enter the upper parking lot of the Department of Public Safety's headquarters. Plaintiff further alleges that although she had the right of way, the County truck proceeded to cross the southbound lanes of the SMRP and her vehicle had a head-on collision with the County truck. As a result thereof, Plaintiff claimed that she sustained serious personal injuries and property damages to her vehicle.

As a result of this incident, Plaintiff commenced a personal injury and property damage lawsuit against the County employee driving the box truck and the County alleging that the County driver was negligent in crossing the



southbound lanes of the SMRP while her vehicle had the right of way and, that as a result of this negligence, the vehicle she was driving, a 2007 Mercedes-Benz, was totaled and she sustained injuries to her right shoulder, neck and lower back, among other things. According to plaintiff's expert, an MRI of plaintiff's cervical spine indicated that she sustained an acute herniated disc as a result of the December 28, 2009 accident.

Plaintiff is represented by Scarcella Law Offices, located at 44 Church Street, Suite 150, White Plains, New York 10601.

At trial the Plaintiff will argue that the County employee acted in an unreasonable manner when he attempted to cross the southbound lanes of the SMRP while her vehicle was travelling in his pathway in the southbound lanes and had the right of way. Plaintiff will further allege that because of the County employee's unreasonable conduct, her vehicle was totaled and she sustained serious injuries to her neck, shoulder and back.

In light of the nature of Plaintiff's claims and the possibility that a jury may believe that it was unreasonable for the County employee to drive the County truck across the southbound lanes of the SMRP as Plaintiff's vehicle was proceeding in the southbound lane and heading in his direction, a settlement of \$50,877 has been proposed, of which \$30,000 will be paid to plaintiff for her personal injuries and \$20,877.52 will be paid to plaintiff's insurance carrier, Travelers Property Casualty Corp., for the property damage to her vehicle. Plaintiff's counsel has indicated that such an amount is acceptable to Plaintiff.

RFM/sbf

RESOLUTION

Upon the communication of the County Attorney; it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of Doreen A. Edwards v. Mark K. Jones and County of Westchester in the amount of \$50,877.52, of which \$30,000 will be paid to plaintiff for her personal injuries and \$20,877.52 will be paid to plaintiff's insurance carrier, Travelers Property Casualty Corp., for the property damage to her vehicle.

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

Original Agreement	\$N/A
First Amendment	\$N/A
This Amendment	\$N/A
TOTAL	\$N/A

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
615	59	0689/3320	4280/05		\$50,877.52

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

Funding Source Tax Dollars _____

State Aid _____

\$ 50,877.52 Federal Aid _____

(must match resolution)

Other 6N Fund _____