

41419

July 15, 2014

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 Demani Pannell, an infant by his mother and natural guardian, Tiffany Caul and Tiffany Caul, Individually v. Bee-Line System and The Westchester County Department of Transportation, by payment from the County of Westchester to Demani Pannell, in an amount not to exceed \$22,000.

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Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Demani Pannell, an infant by his mother and natural guardian, Tiffany Caul and Tiffany Caul, Individually v. Bee-Line System and The Westchester County Department of Transportation, by payment from the County of Westchester to Demani Pannell in an amount not to exceed \$22,000.

This action was commenced by plaintiff Demani Pannell, an infant by his mother and natural guardian, Tiffany Caul and Tiffany Caul, Individually, in the Supreme Court of the State of New York, County of Westchester.

Plaintiff, Demani Pannell alleges that on March 1, 2010, at approximately 8:30 a.m., a Liberty Lines bus on which he was traveling with his mother, Tiffany Caul, came to a sudden stop causing the then six year old Plaintiff to fall from his seat to the floor of the bus and sustain injury to his left arm. Plaintiff alleges that as a result of the incident he sustained a displaced fracture of the left distal humerus and radius and was required to wear a sling for two weeks. Plaintiff further alleges that he took pain medication for one week after the incident and periodically experiences pain in his left arm.

At trial, Plaintiff will argue that the driver failed to exercise reasonable care in the operation of the bus, and that this alleged deviation from the standard of care was the proximate

cause of his injuries. Plaintiff will further argue that the driver failed to observe the existing traffic conditions while operating the bus, and that this alleged negligence caused him to sustain injury.

The County is represented by Lifflander & Reich, LLP. Plaintiff is represented by Martin L. Ginsberg, P.C., 80-59 Lefferts Boulevard, Kew Gardens, New York 11415.

In light of the nature of plaintiff's injuries, the possibility that a jury may believe that the bus was operated in a negligent manner and that such alleged negligence was the proximate cause of plaintiff's injuries, a settlement of \$22,000.00 is proposed and plaintiff's counsel has indicated that such an amount is acceptable to plaintiff. Our outside counsel in this matter, Lifflander & Reich, LLP, recommends that this case be settled by payment from the County of Westchester of \$22,000.00 to Demani Pannell.

RFM/faj

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/14/2014 - JIMMY WITKA, 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 Demani Pannell, an infant by his mother and natural guardian, Tiffany Caul and Tiffany Caul, Individually v. Bee-Line System and The Westchester County Department of Transportation, by payment from the County of Westchester to Demani Pannell in an amount not to exceed \$22,000.00; and it is 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
101	44	2100	4924		\$22,000.00

Budget Funding Year(s) 2014 Start Date 1/1/2014 End

Date 12/31/2014  
(must match resolution)

Funding Source

Tax Dollars \$22,000.00

State Aid \_\_\_\_\_

\$ 22,000.00

Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_