

42782

October 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 Rachela DeFilippo v. The County of Westchester and the Westchester County Department of Parks, Recreation & Conservation in the amount of \$65,000.00.

Attached for your consideration is a resolution, which, if approved by your Honorable Board, would authorize settlement of the lawsuit of Rachela DeFilippo v. The County of Westchester and the Westchester County Department of Parks, Recreation & Conservation in the amount of \$65,000.00.

On May 5, 2012, at approximately 11:30 a.m., Rachela DeFilippo (“plaintiff”), 83 years old at the time of her accident, allegedly tripped and fell on a depression of broken asphalt while walking along the cross-access entrance to Playland Amusement Park. Plaintiff claims that as a result of the fall, she suffered multiple fractures to her left wrist requiring surgery and the installation of a metal plate and pins to stabilize her arm. Consequently, she claims permanent loss of mobility to her left arm and wrist.

Plaintiff is represented by Worby, Groner and Edelman, LLP, 11 Martine Avenue, White Plains, New York 10606.

At trial, plaintiff will argue that her injuries were proximately caused by the negligence of the County. In light of the nature of plaintiff’s injuries and the possibility that a jury may believe that the County was negligent and the proximate cause of her alleged injuries, a settlement of \$65,000.00 is proposed, and plaintiff’s counsel has indicated that such an amount is acceptable to plaintiff.

RFM:jf



RESOLUTION

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of Rachela DeFilippo v. The County of Westchester and the Westchester County Department of Parks, Recreation & Conservation in the amount of \$65,000.00; 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
615	59	0692/3610	4280/04		\$65,000

Budget Funding Year(s) 2014 Start Date 1/1/2014 End Date 12/31/2014
(must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ 65,000

Federal Aid _____

(must match resolution)

Other 6N Fund - \$65,000

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/13/2014 - JOMARY VIEIRA, SECRETARY