

44505

January 22, 2015

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 Allison Roesser v. The County of Westchester and the Westchester County Playland Commission, in an amount not to exceed \$15,000.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Allison Roesser v. The County of Westchester and Westchester County Playland Commission.

This action was commenced by plaintiff, Allison Roesser, in the Supreme Court of the State of New York, Westchester County. On August 19, 2010, at approximately 3:30 p.m., Plaintiff was a patron at Playland Park and was a passenger in a boat in the "Ye Old Mill". Plaintiff claims that the boat shifted unexpectedly which caused her to lose her balance. She claims that her hand was caught between the boat and the wall which resulted in a fractured right ring finger and crushed pinky. She claims that her fingers remain numb to the touch.

At trial, Plaintiff will argue that the County failed to operate the ride in such a way as to prevent any sudden unanticipated movements and failed to install handles inside the boat so that her hands could be secure inside the boat. Plaintiff will argue that this alleged deviation from the standard of care was the proximate cause of her injuries.

The Plaintiff is represented by Thomas Russo, Edelman Krasin & Jaye, PLLC, One Old Country Road, Carle Place, New York 11514.

In light of the nature of Plaintiff's injuries and the possibility that a jury may believe that the operation of the ride was negligent and the proximate cause of plaintiff's injuries, a settlement of \$15,000.00 is proposed and Plaintiff's counsel has indicated that such an amount



would be acceptable to Plaintiff. The Commissioner of Parks, Recreation, and Conservation was consulted and agrees with this settlement.

RFM/jhf

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/26/2015 - JOMARY VIEIRA, 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 Allison Roesser v. The County of Westchester and Westchester County Playland Commission by payment from the County of Westchester to Allison Roesser in an amount not to exceed \$15,000.00; 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
615	59	0690/3410	4280/04		\$15,000.00

Budget Funding Year(s) 2015 Start Date 1/1/2015 End Date 12/31/2015
 (must match resolution)

Funding Source

Tax Dollars _____

State Aid _____

\$ 15,000.00

Federal Aid _____

(must match resolution)

Other 6N fund _____

APPROVED BOARD OF ACQUISITION & CONTRACT 02/26/2015 - JONARY VEIRA, SECRETARY