

46554

April 23, 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 Verniel Brown v. Rocksie Mae Cammock, Westchester County Bureau of Purchase and Supply and County of Westchester in the amount of \$20,000 inclusive of attorney's fees.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Verniel Brown v. Rocksie Mae Cammock, Westchester County Bureau of Purchase and Supply and County of Westchester.

This action was commenced by plaintiff Verniel Brown, in the Supreme Court of the State of New York, Westchester County. Plaintiff alleges that on November 7, 2011, he was traveling on Sanford Boulevard near the intersection of South Ninth Avenue, in the City of Mt. Vernon, when his vehicle was struck by a vehicle owned by the County of Westchester. The County vehicle was traveling on South Ninth Avenue and was attempting to cross over Sanford Boulevard at the time of the accident. Plaintiff was transported by ambulance to Montefiore Hospital where he complained of neck, back and shoulder pain. Plaintiff was diagnosed with a partially separated shoulder, received physical therapy after the accident, and claims to have residual back and neck pain.

At trial, Plaintiff will argue that the County driver failed to yield to the stop sign. Plaintiff will argue that this alleged deviation from the standard of care was the proximate cause of his injuries.



The Plaintiff is represented by John Maher Esq., Kravet, Hoefler & Maher, P.C., 1135A Morris Park Avenue, Suite 202, Bronx, New York 10461.

In light of the nature of Plaintiff's injuries and the possibility that a jury may believe that the operator of the County vehicle was negligent and her actions were the proximate cause of plaintiff's injuries, a settlement of \$20,000.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

RFM/jhf

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/28/2015 - JOMARY MAHER, 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 Verniel Brown v. Rocksie Mae Cammock, Westchester County Bureau of Purchase and Supply and the County of Westchester by payment from the County of Westchester to Verniel Brown in an amount not to exceed \$20,000.00; and it is further

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

Original Agreement	\$	
First Amendment	\$	
This Amendment	\$	_____
TOTAL	\$	_____

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
615	59	0691/3520	4280/05		\$20,000.00

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

Funding Source

Tax Dollars _____

State Aid _____

\$ 20,000.00 _____

Federal Aid _____

(must match resolution)

Other 6N fund _____