

August 5, 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 Helen Turner Williams and Charles Williams as parents and natural guardians of Turner James Williams, an infant, and Helen Turner Williams and Charles Williams, individually v. Luis Gonzalez, Chappaqua Central School District, County of Westchester and Town of New Castle in the amount of \$50,000 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 Helen Turner Williams and Charles Williams as parents and natural guardians of Turner James Williams, an infant, and Helen Turner Williams and Charles Williams, individually v. Luis Gonzalez, Chappaqua Central School District, County of Westchester and Town of New Castle.

This action was commenced by plaintiffs, Helen Turner Williams, Charles Williams and Turner James Williams, in the Supreme Court of the State of New York, Westchester County. Plaintiffs allege that on May 5, 2011, Turner James Williams, then 14 years old and an eighth grade student at Seven Bridges Road Middle School, was struck by a truck and seriously injured while crossing Seven Bridges Road enroute to school. Plaintiff was transported by ambulance to Westchester Healthcare Corporation where he was diagnosed with traumatic brain injury. Plaintiff was transferred to Burke Rehabilitation Center where he received in-patient physical therapy. Plaintiff thereafter went to Blythedale Children's Center for out-patient therapy.

At trial, Plaintiff will argue that the County was negligent in failing to install a traffic control device at the location of the accident and in failing to consider the installation of sidewalks. Plaintiff will argue that the County's actions amounted to a deviation from the reasonable standard of care and such actions were the proximate cause of his injuries.

The Plaintiff is represented by Martin Weisfuse, Esq. 420 Lexington Avenue, Suite 2328, New York, New York 10170.



In light of the nature of Plaintiff's injuries and the possibility that a jury may believe that the County was negligent and its actions were the proximate cause of plaintiff's injuries, a settlement of \$50,000.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

RFM/jhf

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/03/2015 - JOAN COCCIARDI 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 Helen Turner Williams and Charles Williams as parents and natural guardians of Turner James Williams, an infant, and Helen Turner Williams and Charles Williams, individually v. Luis Gonzalez, Chappaqua Central School District, County of Westchester and Town of New Castle by payment from the County of Westchester to Turner James Williams in an amount not to exceed \$50,000.00; 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	0691/3510	4280/04		50,000.00

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

Funding Source Tax Dollars _____
State Aid _____
\$ 50,000.00 Federal Aid _____
(must match resolution) Other 6N fund _____