

50822

February 1, 2016

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 Leann and Allan Levin v. County of Westchester, by payment from the County of Westchester to Leann and Allan Levin, in an amount not to exceed \$60,000.

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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 Leann and Allan Levin v. County of Westchester, by payment from the County of Westchester to Leann and Allan Levin, in an amount not to exceed \$60,000.

This action was commenced by plaintiffs Leann and Allan Levin, in the Supreme Court of the State of New York, County of Westchester.

Plaintiff, Leann Levin alleges that on September 1, 2009 while alighting from a seat on the Antique Car Ride (hereinafter "Ride") at Playland Park she was caused to fall to the ground and sustain injury.

Plaintiff further alleges that as a result of the incident she sustained a fracture to her right ankle requiring two corrective surgeries and that she periodically experiences pain in her ankle. Plaintiff Allan Levin asserts a derivative claim based on his wife's alleged injuries.

At trial, plaintiff will argue that the County failed to exercise reasonable care in the operation of the Ride, and that this deviation from the standard of care was the proximate cause of her injuries. Plaintiff will further allege that the County knowingly operated the Ride in a negligent manner which caused her to sustain injury.

Plaintiffs are represented by Sullivan Papain Block McGrath & Cannavo, P.C., 120 Broadway, New York, New York 10271.

In light of the nature of plaintiff's injuries, the possibility that a jury may believe that the amusement device was operated in a negligent manner and that such alleged negligence was the proximate cause of plaintiff's injuries, a settlement of \$60,000.00 is proposed and plaintiffs' counsel has indicated that such an amount is acceptable to the plaintiffs.

RFM/faj

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/25/2016 - LISA MRIJAJ, 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 Leann and Allan Levin v. Westchester County, by payment from the County of Westchester to Leann and Allan Levin in an amount not to exceed \$60,000.00; 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	0689/3310	4280/04		\$60,000.00

Budget Funding Year(s) 2016 Start Date 1/1/2016 End Date 12/31/2016  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

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

**\$ 60,000.00** Federal Aid \_\_\_\_\_

(must match resolution) Other 6N Fund