

June 29, 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 Kathleen Keveney v. Liberty Lines Transit, Inc., et al. in the amount of \$17,500.00 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 Kathleen Keveney v. Liberty Lines Transit, Inc., et al. by payment of \$17,500.00 inclusive of attorney's fees.

This action was commenced by plaintiff, Kathleen Keveney, in the Supreme Court of the State of New York, Bronx County. Plaintiff, now seventy-two years old, alleges that on January 20, 2011 at or near the intersection of Jerome Avenue and Woodlawn Avenue in the Bronx she was exiting a bus and was trying to prevent the rear doors from closing on a handicapped passenger that was exiting ahead of her. She alleges that the doors closed as she was trying to hold them and then re-opened causing her to fall out of the bus. She fractured her fifth metatarsal. She went to the emergency room at Montefiore Hospital on the following day and complained that she injured her left foot while exiting the bus and assisting another passenger off. X-rays revealed a fractured bone in her left foot. She was treated and released with a full cast to her knee. After a week she was given a removable cast. She continues to complain of residual pain in the area of the fracture.

Plaintiff is represented by Jay H. Tanenbaum, 14 Wall Street, New York, New York 10005. The County and Liberty Lines are represented by Kent B. Dolan of Lifflander & Reich, LLP, 425 Madison Avenue, New York, New York. Kent Dolan recommends settling this case for the amount proposed.

At trial, Plaintiff will argue that the Liberty Lines bus closed the back doors before all of the passengers exited the stairwell thereby causing her to intervene and assist the handicapped passenger. Plaintiff will argue that this alleged deviation from the standard of care was the proximate cause of her falling out of the bus and suffering injuries.



In light of the nature of Plaintiff's injuries, and the likelihood that a jury may believe that the operator of the Liberty Lines bus was negligent and his actions were the proximate cause of plaintiff's injuries, a settlement of \$17,500.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

RFM/jhf

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/04/2016 - 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 Kathleen Keveney v. Liberty Lines Inc, et al. by payment from the County of Westchester to Kathleen Keveney in an amount not to exceed \$17,500.00; 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
101	44	2100	4924		17,500.00

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

Funding Source Tax Dollars 17,500.00

State Aid _____

\$ 17,500.00 Federal Aid _____

(must match resolution) Other _____