

June 28, 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 Benjamin Akoto v. County of Westchester, Bee-Line Bus Systems of Westchester County, Liberty Lines Transit, Inc. and "John Doe" intended to be Operator of Bus, by payment from the County of Westchester to Benjamin Akoto, in an amount not to exceed \$29,000.

Attached for your consideration is a resolution which, if approved by your Board, would authorize settlement of the lawsuit entitled Benjamin Akoto v. County of Westchester, Bee-Line Bus Systems of Westchester County, Liberty Lines Transit, Inc. and "John Doe" intended to be Operator of Bus, by payment from the County of Westchester to Benjamin Akoto, in an amount not to exceed \$29,000.

This action was commenced by plaintiff, Benjamin Akoto, in the Supreme Court of the State of New York, County of Westchester.

Plaintiff alleges that on June 11, 2013, at the intersection of Warburton Avenue and Dock Street in Yonkers, he attempted to alight from a Liberty Lines bus through its rear doors. Plaintiff further alleges that because of an obstruction, the doors were not functioning properly, and that his right arm was caught in the doors, causing him to sustain injuries to his right arm and shoulder.

Plaintiff, then 47 years old, complained immediately of injury to his arm and shoulder. He was removed from the scene by EMS to St. Joseph's Hospital where he was treated and released. He was diagnosed with a tear of the rotator cuff of the right shoulder, a crush injury of his right arm and tenderness of the right forearm. Plaintiff sought treatment with his primary care physician for pain, soreness and multiple bruises, and sought further treatment with an orthopedist. Plaintiff alleges that as a result of the incident he sustained an internal derangement of the right shoulder, necessitating arthroscopic surgery. Plaintiff further alleges that as a result of the injuries sustained, he was forced to limit his work status and activities of daily living.

At trial, plaintiff will argue that the driver failed to exercise reasonable care in the operation of the bus, and that this deviation from the standard of care was the proximate cause of his injuries. Plaintiff will further argue that the driver operated the bus in a negligent manner, and that this negligence caused him to sustain injury.

The County is represented in this action by Lifflander & Reich, LLP. Plaintiff is represented in this action by James Newman, P.C. Law Firm, 2815 Waterbury Avenue, Bronx, NY 10461.

In light of the nature of plaintiff's injuries, the possibility that a jury may believe that the bus was operated in a negligent manner and that such alleged negligence was the proximate cause of plaintiff's injuries, a settlement of \$29,000.00 is proposed and plaintiff's counsel has indicated that such an amount is acceptable to plaintiff. Our outside counsel in this matter, Lifflander & Reich, LLP, recommends that this case be settled by payment from the County of Westchester of \$29,000, to Benjamin Akoto.

RFM/faj

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/04/05 - JSA MARIJAJ, 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 Benjamin Akoto v. County of Westchester, Bee-Line Bus System of Westchester County, Liberty Lines Transit, Inc. and "John Doe" intended to be the Operator of Bus, by payment from the County of Westchester to Benjamin Akoto in an amount not to exceed \$29,000.00; 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
101	44	2100	4924		29,000.00

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

Funding Source Tax Dollars \$29,000.00

State Aid _____

\$ 29,000.00 Federal Aid _____

(must match resolution) Other _____