

52668

August 24, 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 Walter Slawinski v. The County of Westchester and Westchester County Department of Parks, Recreation and Conservation, by payment from the County of Westchester, in an amount not to exceed \$67,500.00.

Attached for your consideration is a proposed resolution which if approved by your Board, would authorize settlement of the lawsuit entitled Walter Slawinski v. The County of Westchester and Westchester County Department of Parks, Recreation and Conservation, by payment from the County of Westchester in an amount not to exceed \$67,500.00, of which \$10,313.36 will be paid to the Department of Veterans Affairs for medical care provided to plaintiff, Walter Slawinski, and the remaining \$57,186.64 paid to plaintiff.

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

Plaintiff alleges that on July 1, 2012, the floor inside the men's bath house at Tibbets Brook Park was wet, oily and soapy causing the then sixty-six year old plaintiff to slip and fall and sustain injury. Plaintiff complained immediately of pain to his left ankle and was provided with first aid at the park. Plaintiff alleges he sought medical treatment at the Veterans Hospital where he was diagnosed with a displaced oblique fracture of his left ankle, and was subsequently required to wear a cast and follow a course of physical therapy. He further alleges that the injury he sustained frequently causes him to experience pain in his left ankle and knee, which limits his ability to work and engage in activities of daily living.

Plaintiff is represented in this action by Ira M. Perlman, Esq., 60 Cuttermill Road, Great Neck, New York 11021.

At trial, plaintiff will argue that the bath house was not properly maintained, and that this deviation from the standard of care was the proximate cause of his injuries. Plaintiff will further argue that the flooring in the bath house was not regularly cleaned and that this negligence caused him to sustain injury.

In light of the nature of plaintiff's injuries, the possibility that a jury may believe that the bath house was operated in a negligent manner and that such alleged negligence was the proximate cause of plaintiff's injuries, a settlement of \$67,500.00, inclusive of all medical liens, is proposed and plaintiff's counsel has indicated that such an amount is acceptable to plaintiff.

RFM/faj

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/22/2016 - USIP/PAJ, 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 Walter Slawinski v. The County of Westchester and Westchester County Department of Parks, Recreation and Conservation, by payment from the County of Westchester in the amount not to exceed \$67,500 of which \$10,313.36 will be paid to the Department of Veterans Affairs for medical care provided to plaintiff, Walter Slawinski, and the remaining \$57,186.64 paid to plaintiff.

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	0692/3610	4280/04		67,500.00

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

Funding Source

Tax Dollars _____

State Aid _____

\$ 67,500.00

Federal Aid _____

(must match resolution)

Other 6N Fund _____