

September 21, 2016

To: Honorable Members of the
Board of Acquisition and Contract

From: Robert F. Meehan *RFM*
County Attorney

Re: Request for Authorization to Settle the Uninsured Motorist Coverage Claim of
Rometry Santos-Merced in the amount of \$25,000.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the uninsured motorist coverage claim of Rometry Santos-Merced in the amount of \$25,000, inclusive of counsel fees and liens.

The Claimant, Ms. Rometry Santos-Merced, a county employee, was involved in a vehicular accident on November 4, 2011 where the County vehicle she was driving, in the course of her official duties, was struck from behind. The offending driver fled the scene and has not been identified. The County has thus far expended over \$90,000 in Workers' Compensation payments to cover economic losses of the Claimant due to neck and back injuries related to this accident.

Claimant now seeks payment for non-economic losses through Westchester County's statutorily mandated uninsured motorist coverage under the New York State Insurance Law. In light of the nature of Claimant's injuries and the possibility that an arbitrator may believe that Claimant has established entitlement to the requested non-economic payment, a settlement for the statutory minimum coverage amount of \$25,000 is proposed.

The County would incur prohibitive costs to prosecute this matter. One doctor, who conducted multiple Independent Medical Examinations at the request of Triad,¹ charges \$7,500 per half-day of expert testimony. Due to his longevity of history with the Claimant, and detailed medical testimony required, a full day of testimony would be necessary which would incur a charge of \$15,000. As several medical professionals performed exams on the Claimant expert testimony fees alone could approach or exceed the cost of the proposed settlement.

¹ Triad administers Workers' Compensation claims and benefits on behalf of the County.

The Claimant's attorney, Ms. Aparna Anantharaman, Esq., Jacoby & Meyers, LLP., 39 Broadway, Ste. 1910, New York, NY, has indicated the proposed resolution would be acceptable to the Claimant.

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/20/2016 - 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 uninsured motorist coverage claim of Ms. Romy Santos-Merced in the amount of \$25,000; and it is further

RESOLVED, that the County Attorney or his designee is authorized to execute any documents necessary to implement this resolution.

Original Agreement	\$N/A
First Amendment	\$N/A
This Amendment	<u>\$N/A</u>
TOTAL	\$N/A

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	615	59	0694/3820	4280/05		\$25,000

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

Funding Source:	Tax Dollars	_____
	State Aid	_____
	Federal Aid	_____
	Other	<u>6N Fund (\$25,000)</u>

TOTAL = \$25,000
 (must match resolution)