

52828

September 27, 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 Tousnel Paulma v. Liberty Lines Transit, Inc., et al. in the amount of \$60,000 inclusive of attorney's fees.

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Attached for your consideration is a resolution which, if approved by your Board, would authorize settlement of the lawsuit entitled Tousnel Paulma v. Liberty Lines Transit, Inc., et al.

This action was commenced by plaintiff, Tousnel Paulma, in the Supreme Court of the State of New York, Westchester County. Plaintiff alleges that on June 21, 2013 he was caused to strike a bus in the intersection of Court Street and Quarropas Street at approximately 5:45 a.m. Plaintiff's vehicle, a 1994 Toyota Corolla, entered the intersection from Quarropas Street traveling from west to east. The bus, a 60 foot articulated bus, entered the intersection from Court Street traveling in a south to north direction. The plaintiff testified that he saw the bus approaching the intersection, that it never slowed down or stopped and that he saw it a split second before the impact and was unable to stop. The Corolla sustained severe front end damage while the bus sustained minimal damage. No passengers alleged injury as a result of the impact. Plaintiff was taken by ambulance to White Plains Hospital where he was diagnosed with multiple facial fractures and traumatic iritis as well as bulging and herniated discs in the cervical spine and a fractured patella. He alleges follow up appointments with an ophthalmologist, orthopedist and chiropractor until the middle of October. Plaintiff claims to continue to suffer from headaches, lower back and knee pain.

Plaintiff is represented by Morton Povman, 108-18 Queens Blvd, Forest Hills, New York 11375. The County and Liberty Lines are represented by Kent B. Dolan of Lifflander & Reich, LLP, 425 Madison Avenue, New York, New York.

At trial, Plaintiff will argue that the Liberty Lines bus driver failed to stop at a blinking red light as required by the NYS Vehicle and Traffic Law. Plaintiff will argue that this alleged deviation from the standard of care was the proximate cause of his 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 \$60,000.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff. Kent B. Dolan, Esq. recommends approval of this settlement.

RFM/jhf

**RESOLUTION**

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of Tousnel Paulma v. Liberty Lines Inc, et al. by payment from the County of Westchester to Tousnel Paulma 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.

Original Agreement	\$
First Amendment	\$
<b>This Amendment</b>	<b>\$</b> _____
TOTAL	\$

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	44	2100	4924		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 60,000.00

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

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

(must match resolution) Other 6N fund \_\_\_\_\_