

56539

April 17, 2017

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 Adriana Smith v. Westchester County in the amount of \$22,000 inclusive of attorney's fees.

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Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Adriana Smith v. Westchester County.

This action was commenced by plaintiff, Adriana Smith, in the Supreme Court of the State of New York, Westchester County. Plaintiff alleges that on February 3, 2016, at approximately 2:50 p.m., she was exiting the bathroom on the first floor of the Technologies Building at Westchester Community College when she slipped and fell on water on the floor that had accumulated from a leak in the ceiling. Plaintiff was transported to White Plains Hospital by ambulance where she complained of right ankle and back pain. Plaintiff was later diagnosed with a right ankle fracture. Plaintiff is represented by Craig A. Post, 7 Stokum Lane, New City, New York 10956.

At trial, plaintiff will argue that the College knew of the leaking ceiling and failed to correct the condition within a reasonable period of time. Plaintiff will argue that this alleged deviation from the standard of care was the proximate cause of her injuries.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings, and potential appeal. A settlement of \$22,000.00 is proposed, and plaintiff's counsel has indicated that such an amount would be acceptable to plaintiff.

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 Adriana Smith v. Westchester County by payment from the County of Westchester to Adriana Smith in an amount not to exceed \$22,000.00; 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
615	59	0696/4010	4280/04		22,000.00

Budget Funding Year(s) 2017 Start Date 1/1/2017 End Date 12/31/2017  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 Federal Aid \_\_\_\_\_  
 (must match resolution) Other 6N  
 fund \$22,000.00