

56540

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 Fatoumata Traore v. Westchester County and Edward Kelch in the amount of \$40,000 inclusive of attorney's fees.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Fatoumata Traore v. Westchester County and Edward Kelch.

This action was commenced by plaintiff, Fatoumata Traore, in the Supreme Court of the State of New York, Westchester County. Plaintiff alleges that on July 4, 2013, at approximately 7:30 am she was traveling south on the Sprain Brook Parkway, having just gotten off of work as a nursing assistant at the Westchester Medical Center. She claims that there were no other vehicles on the road until an unmarked police vehicle passed her at a high rate of speed. Plaintiff was traveling in the extreme left lane when the front of her vehicle made contact with the rear driver's side quarter panel of the police vehicle. Plaintiff went to Columbia Presbyterian Hospital on the day of the accident complaining of right shoulder, left knee, head, neck, and back pain. Plaintiff was later diagnosed with a right shoulder tear. Plaintiff is represented by Budin, Reisman, Kupferberg & Bernstein, LLP, 112 Madison Avenue, 2nd floor, New York, New York 10016-7416.

At trial, plaintiff will argue that the police officer failed to look before changing lanes or looked but failed to see her before changing lanes. Plaintiff will argue that this alleged deviation from the standard of care was the proximate cause of her injuries. The police officer's version of the events differs significantly from that of plaintiff.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings, and potential appeal. A settlement of \$40,000.00 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 Fatoumata Traore v. Westchester County and Edward Kelch by payment from the County of Westchester to Fatoumata Traore in an amount not to exceed \$40,000.00; 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	0693/3720	4280/05		40,000.00

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 _____ \$40,000.00 _____