

OnBase ID. # 63086

May 4, 2018

To: Honorable Members of the  
Board of Acquisition and Contract

From: John M. Nonna  
County Attorney

Re: Request for Authorization to Settle the Lawsuit of Harry Nunez v. County of Westchester, "John Doe" and Dante Degree in an amount not to exceed \$20,000.00.

---

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit of Harry Nunez v. County of Westchester, "John Doe" and Dante Degree in the amount of \$20,000.

Plaintiff alleges that on or about January 30, 2010, while he was an inmate at the County's Department of Correction, he was attacked and viciously assaulted by inmate Dante Degree ("Degree") while he was in the day room. Plaintiff commenced a personal injury lawsuit against the County alleging that the correction officers on duty failed to properly supervise Degree and the day room and that this failure was the proximate cause of the assault upon him. Specifically, plaintiff alleges that Dante should have been in keeplock and not allowed to have access to the day room and other inmates. Plaintiff claims that if there had been proper supervision on the block and in the day room, the assault upon him would not have occurred.

Plaintiff claims that, as a result of Dante's assault, he sustained serious injuries to his face and head, including a left orbital fracture that required surgery to repair, a nasal fracture and a concussion, among other injuries.

Plaintiff is represented by the Law Office of Robert Dembia, PC, located at 160 Broadway, 6<sup>th</sup> Floor, New York, New York 10038.

At trial, plaintiff will argue that if the day room had been properly supervised, the assault would not have happened. Plaintiff will also argue that Dante should have been in keeplock, or not allowed to mingle with other inmates

in the day room, particularly because the County was on notice that Dante posed a danger to plaintiff and other inmates.

In light of the serious nature of Plaintiff's claims and injuries, it is possible that a jury may believe that the County should have provided greater security and prevented Dante from having access to other inmates, including plaintiff. Plaintiff's counsel had agreed to settle this matter for \$20,000. Plaintiff's counsel has indicated that such an amount is acceptable to Plaintiff.

JMN/sbf

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/31/2018 - LISA MRIJAL 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 Harry Nunez v. County of Westchester, "John Doe" and Dante Degree in an amount not to exceed \$20,000.00.

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**        **\$N/A**  
 TOTAL                        \$N/A

Account to be Charged/ credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			Unit/subunit	Object/sub		
	<b>615</b>	<b>59</b>	<b>0690/3450</b>	<b>4280/04</b>		<b>\$20,000.00</b>

Budget Funding Year(s) 2018 Start Date 1/1/2018 End Date 12/31/2018  
 (must match resolution)

Funding Source

<b>Tax Dollars</b>	
<b>State Aid</b>	
<b>Federal Aid</b>	
<b>Other</b>	<b>6N Fund</b>

**\$20,000.00**