

OnBase ID # 63321

May 16, 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 Soonja Yu v. Michael G. Knapp, The County of Westchester and the Westchester Bureau of Purchase and Supplies, by payment from the County of Westchester, in an amount not to exceed \$75,000.00.

Attached for your consideration is a proposed resolution which, if approved by your Board, would authorize settlement of the lawsuit entitled Soonja Yu v. Michael G. Knapp, The County of Westchester and the Westchester Bureau of Purchase and Supplies, by payment from the County of Westchester, in an amount not to exceed \$75,000.00.

This action was commenced by plaintiff in the Supreme Court of the State of New York, County of Westchester. Plaintiff alleges that on October 25, 2016, at approximately 5:22 p.m., as she was driving her vehicle in the left lane of the Hutchinson River Parkway (“Hutch”) near Webster Avenue in New Rochelle, she observed a Westchester County police vehicle that appeared to be parked in the center median. According to plaintiff, the police vehicle suddenly came out of the center median and struck her vehicle on the left side. Plaintiff further alleged that upon impact, her vehicle started to turn into a circle and, as it turned, it struck the guiderail on the right side of the roadway where it came to a rest. (A proposed settlement of a related property damage case brought by Maidstone Insurance Company is also being submitted for your consideration and pertains to plaintiff’s insured vehicle.)

As a result of the accident, plaintiff claims that she sustained a tear of the lateral meniscus in her right knee that required surgery to repair. Plaintiff claims that she continues to experience pain in her right knee; and that she also sustained a partial tear of her anterior cruciate ligament (“ACL”) in her left knee, causing her to have to undergo extensive physical therapy.

According to the accident report, County police officer Knapp (“Knapp”) indicated that while he was stopped in the center median between the northbound and southbound traffic lanes, his foot slipped off the brake causing his vehicle to roll into the northbound lanes and collide with plaintiff’s vehicle. At the time, Knapp was performing routine patrol on the Hutch.

Plaintiff is represented in this action by Douglas Kaplan, Esq., 124 North Merrick Avenue, Merrick, New York 11566.

At trial plaintiff will argue that the accident was the result of Knapp failing to maintain control of his police vehicle and in allowing the vehicle to roll into the path of oncoming traffic. Plaintiff will further argue that Knapp was acting in the course of his employment and that his failure to operate his vehicle in a safe and reasonable manner was responsible for his vehicle coming into contact with plaintiff's vehicle. As a result, plaintiff will contend that the failure of Knapp to operate his police vehicle in a safe manner was the cause of the accident and her subsequent injuries.

In light of the nature of this accident and the possibility that a jury may believe that the accident was the cause of plaintiff's subsequent injuries, a settlement of \$75,000.00, inclusive of all liens and attorney fees, is proposed and plaintiff's counsel has indicated that such an amount is acceptable to plaintiff.

JMN/sbf

RESOLUTION

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of Soonja Yu v. Michael G. Knapp, The County of Westchester and the Westchester Bureau of Purchase and Supplies, by payment from the County of Westchester, in an amount not to exceed \$75,000.00.

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

Original Agreement	\$
First Amendment	\$
This Amendment	\$
TOTAL	\$ _____

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			Unit/subunit	Object/sub		
	615	59	0696/4020	4280/05		\$75,000.00

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

Funding Source

Tax Dollars	
State Aid	
Federal Aid	
Other	6N Fund

\$75,000.00