

ONBASE ID # 74693

February 12, 2020

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 Kelly Johnson v. The County of Westchester 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 Kelly Johnson v. The County of Westchester

This matter arises out of a slip and fall accident in the County Park commonly referred to as the Bronx River Parkway Reservation. On February 8, 2017 at approximately 3:00 p.m. the plaintiff was walking with her husband and two small children when she stepped off of a wooden bridge and onto the paved pathway. Plaintiff alleges that there was a substantial height differential between the bridge surface and the paved pathway surface which was not visible in the direction she was walking and such amounted to a dangerous condition. Plaintiff claims that as a result of the dangerous condition she fell causing her to suffer a fracture to her right ankle and partial tear to her right meniscus. Plaintiff wore a cast to her right ankle for 8 weeks and then engaged in physical therapy for her right ankle and knee for nearly a year. Plaintiff claims that she continues to suffer with pain in her right knee and ankle.

Plaintiff is represented by Brian Dratch, Franzblau Dratch P.C., 354 Eisenhower Parkway, Livingston, New Jersey 07039.

In light of the nature of Plaintiff's injuries and the likelihood that a jury may believe that the County knew or should have known of the existence of the condition within a reasonable time to have repaired same and that the failure to do so was the proximate cause of plaintiff's injuries, a settlement of \$40,000.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

/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 entitled Kelly Johnson v The County of Westchester by payment from the County of Westchester to Kelly Johnson 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

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
615	59	0697/4110	4280/04		40,000.00

Budget Funding Year(s) 2020 Start Date 1/1/2020 End Date 12/31/2020
 (must match resolution)

Funding Source Tax Dollars 40,000.00

State Aid _____

\$ 40,000.00 Federal Aid _____

(must match resolution) Other 6N fund _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/12/2020 - USA MRJAS SECRETARY