

OnBASE ID # 76678

May 6, 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 Dream Peltzer, an Infant under the age of 18 by her Mother and Natural Guardian, Tanisha Thompson, and Tanisha Thompson, Individually. v. The County of Westchester et al. in the amount of \$35,000 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 Dream Peltzer, an Infant under the age of 18 by her Mother and Natural Guardian, Tanisha Thompson, and Tanisha Thompson, Individually. v. The County of Westchester et al.

This matter arises out of an incident which occurred on August 2, 2018 at approximately 1:15 p.m. while the nine year old minor plaintiff was a patron at Playland Park. The plaintiff arrived at the Park with a group of day campers from a local day camp. The plaintiff's mother was not in attendance. Plaintiff was on the Log Flume ride with a friend and a counselor when she placed her hands on the outside of the boat in an attempt to stabilize herself. She felt a painful sensation and then noticed her finger was bleeding. Plaintiff was taken by ambulance to the hospital where she was diagnosed with a crush fracture of her left middle finger as well as a laceration to her finger requiring stitches. She received follow-up treatment with her doctor for approximately three months after the incident.

Plaintiff is represented by Craig Davidowitz, P.C., 450 Seventh Avenue, Suite 2701, New York, New York 10123.

In light of the nature of Plaintiff's injuries and the likelihood that a jury may believe that the County was negligent in operation or maintenance of the Log Flume ride and that this negligence was the proximate cause of plaintiff's injuries, a settlement of \$35,000.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

JMN/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 Dream Peltzer, an Infant under the age of 18 by her Mother and Natural Guardian, Tanisha Thompson, and Tanisha Thompson, Individually. v. The County of Westchester et al.

by payment from the County of Westchester to Dream Peltzer in an amount not to exceed \$35,000.00; 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	0698/4210	4280/04		35,000.00

Budget Funding Year(s) 2020 Start Date 1/1/2020 End Date 12/31/2019
(must match resolution)

Funding Source Tax Dollars 35,000.00

State Aid _____

\$ 35,000.00 Federal Aid _____

(must match resolution) Other 6N fund