

OnBase ID # 78385

August 4, 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 Myles Deante Clay Harris v. The County of Westchester et al. in the amount of \$15,000.00.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Myles Deante Clay Harris v. The County of Westchester et al., 17-cv-839 (S.D.N.Y.) (KMK).

This matter arises out of an incident which occurred on January 6, 2015 while plaintiff was an inmate at the Westchester County Jail. The plaintiff was involved in an altercation with another inmate while both were involved in indoor recreation. Plaintiff was transported to Westchester Medical Center where he was diagnosed with a broken arm. He received follow-up treatment for his injuries and alleges that he experiences residual pain to this day. A motion for summary judgment was filed, and the judge dismissed the failure-to-protect claims. The failure-to-intervene claims remain.

Plaintiff is *pro se* and is no longer incarcerated. He currently resides in Charlotte, North Carolina.

In light of the nature of Plaintiff's injuries and the likelihood that a jury may believe that the County failed to timely intervene in the altercation between the two inmates, a settlement of \$15,000.00 is proposed. Plaintiff has indicated that such an amount would be acceptable to him.

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 Myles Deante Clay Harris v. The County of Westchester et al., 17-cv-00839 (KMK) by payment from the County of Westchester to Myles Deante Clay Harris in an amount not to exceed \$15,000.00; 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	0695-3950	4280-04		15,000.00

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

Funding Source Tax Dollars 15,000.00

State Aid _____

\$ 15,000.00

Federal Aid _____

(must match resolution)

Other 6N fund