

OnBASE ID # 80081

October 9, 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 Michael Vitale v. The County of Westchester et al. in the amount of \$25,000 inclusive of attorney's fees.

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Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Michael Vitale v. The County of Westchester et al.

This matter arises out of a fall that occurred on a Liberty Lines bus on November 2, 2019 at the New Rochelle Bus Depot. The claimant, then ninety years old, was seated on the bus and alleges that the bus driver took off at a dangerously high rate of speed which caused him to be thrown out of his seat and fall to the floor of the bus. The claimant was taken by ambulance to Montefiore Hospital in New Rochelle and diagnosed with a fractured right clavicle. The claimant followed up with an orthopedist who recommended surgery. The claimant alleges that he refused surgery because of age.

Plaintiff is represented by Marvin A. Cooper, P.C., 245 Main Street, Suite 510, White Plains New York 10601. The County and Liberty Lines are represented by Maroney O'Connor, LLP, 1221 Avenue of the Americas, New York, New York 10020.

In light of the nature of Claimant's injuries and the likelihood that a jury may believe that the operator of the Liberty Lines bus was negligent in exiting the Bus Depot at a high rate of speed and that his actions were the proximate cause of plaintiff's injuries, a settlement of \$25,000.00 is proposed, and Claimant's counsel has indicated that such an amount would be acceptable to Claimant.

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 Michael Vitale. v The County of Westchester et al. by payment from the County of Westchester to Michael Vitale in an amount not to exceed \$25,000.00; 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	0699	4370		25,000.00

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

Funding Source Tax Dollars 25,000.00

State Aid \_\_\_\_\_

**\$ 25,000.00**

Federal Aid \_\_\_\_\_

(must match resolution)

Other 6N fund