



Memorandum
Office of the County Attorney

OnBASE ID # 89562

December 8, 2021

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 Zhianni Spears v. The County of Westchester et al, in the amount of \$50,000.

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

The circumstances of this Liberty Lines bus accident case are as follows. On June 30, 2018, in Yonkers, plaintiff opened her car door into a traffic lane and trapped her hand between her car door and the bus. Plaintiff was a passenger in a friend's car. The bus driver testified at his examination before trial that he did see the plaintiff walk between her car (which was illegally parked in a bus stop), and the bus, but nevertheless pulled out with the plaintiff in that dangerous position.

Specifically, the bus driver testified that he looked in the right side view mirrors before he moved the bus. He pulled forward and, while he was moving, plaintiff went around the back of the car, up between the vehicles, and opened the door into the side of the bus. Unfortunately, the video establishes that plaintiff went around the back of the parked car and was in a blind spot between the two vehicles while the bus was stopped. After she was in that position, the bus pulled forward.

Both plaintiff and the driver are likely to be found to have been a proximate cause of the accident.

The driver is no longer employed by Liberty Lines.

Plaintiff's injuries were a fracture with open reduction and internal fixation of the left index finger. There is scarring at the surgical site. She also had lacerations to the base of her thumb and index finger that were sutured. She has some reduction in range of motion of the finger.

Plaintiff is represented by Grant & Longworth, LLP, 377 Ashford Avenue, Dobbs Ferry, NY 10522. The County and Liberty Lines are represented by Keane & Bernheimer, 400 Columbus Ave, Suite 100 S, Valhalla, N.Y. 10595

In light of the nature of Plaintiff's injuries, and the likelihood that a jury may believe that the operator of the Liberty Lines bus was negligent in failing to see the plaintiff, and that his actions were the proximate cause of plaintiff's injuries, a settlement of \$50,000.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/06/2022 - RAYMOND DEACULKY, SECRETARY

RESOLUTION

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit entitled Zhianni R. Spears v. The County of Westchester, et al. by payment from the County of Westchester to Zhianni R. Spears in an amount not to exceed \$50,000.00; 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
101	44	2100	4924		50,000.00

Budget Funding Year(s) 2021 Start Date 1/1/21 End
 Date 12/31/21
 (must match resolution)

Funding Source Tax Dollars 50,000.00

State Aid _____

\$ 50,000.00 Federal Aid _____

(must match resolution)