

23647

December 2, 2011

To: Honorable Members of the  
Board of Acquisition and Contracts

From: Robert F. Meehan  
County Attorney

Re: Request for Authorization to Settle the Lawsuit Reno Federighi v. County of Westchester  
in the amount of \$20,000.00.

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Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit, Federighi v. County of Westchester, in the amount of \$20,000.00.

Plaintiff Reno Federighi, then thirty-nine years old, alleges that on June 2, 2008, he tripped and fell at Tibbetts Brook Park in Yonkers, New York. Plaintiff contends that between approximately 8:00 and 9:00 a.m., while he was jogging along the main roadway of the park, he tripped and fell over the wire/cable portion of the removable speed bump located on the roadway. Plaintiff specifically contends that before his fall, he did not see the wire/cable portion of the removable speed bump that was encompassed between three yellow panels secured to the roadway, and that his foot became lodged underneath the wire, causing him to fall. As a result of the fall, plaintiff alleges he sustained a distal ulnar fracture of the left wrist, lumbosacral derangement with bulging discs, and permanent limitations concerning lifting, carrying and pushing of objects while using both of his limbs. Plaintiff further alleges that he has persistent pain to his lower back.

Had the matter proceeded to trial, plaintiff would argue that the removable speed bump involved in his incident was a dangerous condition and not "open and obvious" to patrons utilizing the park and the main roadway. Plaintiff specifically contends that the wire connecting the speed bump panels was hidden, and was often in a raised position off of the ground, as it was on the date of his incident, thereby constituting a tripping hazard and causing foreseeable accidents to patrons utilizing the main roadway to either walk or jog.

In light of the County's potential exposure and plaintiff's damages, it is the recommendation of this office that this matter be settled for \$20,000.00. The Commissioner of the Department of Parks, Recreation and Conservation concurs in this recommendation.

RFM/smb

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/12/2012 - JOMARY VIEIRA, SECRETARY

## RESOLUTION

Upon the communication of the County Attorney, it is hereby  
 RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit  
 of RENO FEDERIGHI v. THE CITY OF YONKERS AND WESTCHESTER  
COUNTY, in the amount of \$20,000.00; and be it further

RESOLVED, that the County Attorney or his designee is authorized to  
 execute any documents necessary to implement this resolution.

Account to be Charged/ credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			Unit/subunit	Object/sub		
	<b>615</b>	<b>59</b>	<b>0688/3210</b>	<b>4280/04</b>		<b>\$20,000.00</b>

Budget Funding Year(s) **2011** Start Date **1/1/2011** End Date **12/31/2011**  
 (must match resolution)

Funding Source

<b>Tax Dollars</b>	
<b>State Aid</b>	
<b>Federal Aid</b>	
<b>Other</b>	<b>6N Fund</b>

**\$20,000.00**