

31812

January 14, 2013

To: Honorable Members of the
Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Request for Authorization to Settle the Lawsuit of Ebony Belcher v County of Westchester and Liberty Lines Inc. in the amount of \$50,000.00

Attached for your consideration is a resolution, which, if approved by your Honorable Board, would authorize settlement of the lawsuit of Ebony Belcher v County Of Westchester and Liberty Lines Inc. in the amount of \$50,000.00.

This incident occurred on June 18, 2009 at approximately 11:14 am on East Lincoln Avenue and Gramatan Avenue, Mount Vernon, New York. According to the Liberty Lines driver, the bus was traveling behind two vehicles as they entered a traffic circle. The first vehicle stopped short causing the second vehicle to stop short as well. The bus driver claims that as she was attempting to bring the bus to a stop her foot slipped off of the brake causing the bus to strike the plaintiff's vehicle.

Following the accident, the plaintiff was taken by ambulance to Lawrence Hospital where she complained of neck, left shoulder and back pain. Plaintiff followed up with her primary care physician who referred her to an orthopedist and for physical therapy. Plaintiff was diagnosed with left shoulder derangement with rotator cuff and labral tearing requiring surgical repair on October 9, 2009. Plaintiff claims that she was out of work for 8 months following the accident.

Plaintiff is represented by Vogge & Huguenot, 2435 Eastchester Road, Bronx New York, 10469. The County and Liberty Lines are represented by our outside counsel firm of Lifflander & Reich.

At trial the Plaintiff will argue that her injuries were proximately caused by the negligence of the driver in the rear end collision. The Plaintiff will further argue that all of her pain and suffering and ultimately her corrective surgery were directly related to the injuries she received in the accident.

Considering the evidence supporting plaintiff's cause of action, her injury, the risk of a substantial damages verdict, and the anticipated expense to the County to retain the appropriate medical expert witnesses to challenge the extent of damages, a settlement of \$50,000.00 is proposed and Plaintiff's counsel has indicated that such an amount is acceptable to Plaintiff.

RFM:jhf

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/21/2013 - 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 Ebony Belcher v County of County of Westchester and Liberty Lines Inc. in the amount of \$50,000.00; 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
101	44	2100/2100	4924		\$50,000.

Budget Funding Year(s) 2013 Start Date 1/1/2013 End Date 12/31/13
(must match resolution)

Funding Source Tax Dollars \$50,000

State Aid _____

\$ 50,000 Federal Aid _____

(must match resolution)
Other _____