

36951

November 12, 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 Blanca O. Quiroa v. Liberty Lines Transit Inc. Bee-Line Bus System and the Department of Transportation of Westchester and John Doe, said name being fictitious and unknown, in an amount not to exceed \$67,500.

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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 Blanca O. Quiroa v. Liberty Lines Transit Inc. Bee-Line Bus System and the Department of Transportation of Westchester and John Doe, said name being fictitious and unknown, in an amount not to exceed \$67,500.

This action was commenced by plaintiff, Blanca Quiroa, in the Supreme Court of the State of New York, Westchester County. On January 23, 2009 at approximately 9:26 a.m. plaintiff was a passenger in a Liberty Lines bus in the village of Mamaroneck. She alleges that as she stood and rang the bell requesting to stop the bus stopped suddenly causing her to be thrown to the floor of the bus very hard. She claims that as she was falling she heard the sound of screeching tires.

Plaintiff was taken from the scene of the accident by ambulance to Sound Shore Hospital in New Rochelle. She complained of pain and swelling in the right shoulder, limited range of motion in the neck. She was diagnosed with a fractured right clavicle and a torn right rotator cuff. Plaintiff participated in physical therapy for four months and received two cortisone injections. On May 26, 2009 plaintiff had arthroscopic surgery to her right shoulder at Beth Israel Hospital to repair the torn rotator cuff. She continued in physical therapy post surgery until August 2009 at which time she had a full recovery.

At trial, Plaintiff will argue that the driver failed to exercise reasonable care in the operation of the bus, specifically while responding to a stop request he stopped suddenly causing plaintiff to be thrown to the floor of the bus, and that this deviation from the standard of care was the proximate cause of her injuries.

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The County is represented by Lifflander & Reich, LLP. Plaintiff is represented by Michael A. Ruiz, PLLC, 61 Broadway, Suite 2820, New York, New York 10006.

In light of the nature of plaintiff's injuries and the possibility that a jury may believe that the operation of the bus was negligent and the proximate cause of plaintiff's injuries, a settlement of \$67,500.00 is proposed and plaintiff's counsel has indicated that such an amount is acceptable to plaintiff. Our outside counsel in this matter, Lifflander & Reich, LLP, recommends that this case be settled by payment from the County of Westchester of \$67,500.00 to Blanca O. Quiroa.

RFM/jhf

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/12/2013 - JAMES V. VIENNA, 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 Blanca O. Quiroa v. Liberty Lines Transit Inc., The Bee-Line Bus System and John Doe, said name being fictitious and unknown, by payment from the County of Westchester to Blanca Quiroa in an amount not to exceed \$67,500.00; and it is 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	4924		\$67,500.00

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

Funding Source Tax Dollars \$67,500.00

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

**\$ 67,500.00**

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

(must match resolution)

Other \_\_\_\_\_