

47046

June 1, 2015

To: Honorable Members of the  
Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: Request for Authorization to Settle the Lawsuits of Allstate Insurance Company a/s/o/ Gerard Connors v. County of Westchester, Paul Zahn, Diego Rodrigues and Geico Insurance Company a/s/o Diego Rodrigues v. County of Westchester and Paul Zahn, in the amounts of \$14, 760.61 and \$10, 722.75 respectively.

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Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the consolidated lawsuits titled, Allstate Insurance Company a/s/o Gerard Connors v. County of Westchester, Paul Zahn, Diego Rodrigues, and Geico Insurance Company a/s/o Diego Rodrigues v. County of Westchester and Paul Zahn, in the amounts of \$14, 760.61 and \$10,722.75 respectively.

These consolidated subrogation actions were commenced by the respective above-named plaintiff insurance companies for property damages sustained as a result of two collisions among three vehicles that occurred on March 5, 2012, on Route 35, at or near its intersection with Orchard Hill Road, Somers, New York. The allegations are that the collisions occurred as a result of County employee Paul Zahn driving a County truck out of a County driveway, making a right turn onto Route 35, and colliding into a vehicle being driven by Diego Rodrigues as he was travelling on Route 35. It is further claimed that as a result of his impact with our County vehicle, Diego Rodrigues was thereafter caused to strike the parked vehicle belonging to Gerard Connors, Allstate Insurance Company's insured, with his wife Denise Connors in the parked vehicle.

At trial, plaintiff insurance companies, Allstate Insurance Company and Geico Insurance Company, will argue that the County driver Paul Zahn failed to yield the right of way to driver Diego Rodrigues and that he had a duty to proceed with caution onto Route 35 to avoid any contact with oncoming vehicles travelling on Route 35.



Plaintiff Allstate Insurance Company is represented by the Robert G. Mazeau Law Firm, 30 Wall Street, 8<sup>th</sup> floor, New York, N.Y. 10005. Plaintiff Geico Insurance Company is represented by the Law Offices of Bryan Kulak, 90 Crystal Run Road, Suite 409, Middletown, N.Y. 10941.

In light of the property damages sustained to the insureds' vehicles, and the possibility that a jury may believe that the operator of the County vehicle was negligent and that his actions were the proximate cause of the accident, a settlement of \$14,760.61 in Allstate Insurance Company a/s/o Gerard Connors v. County of Westchester, Paul Zahn, Diego Rodrigues and \$10,722.75 in Geico Insurance Company a/s/o Diego Rodrigues v. County of Westchester and Paul Zahn is proposed. Plaintiffs' counsel have indicated that such amounts would be acceptable to their clients.

RFM/tal

APPROVED BOARD OF ACQUISITION & COMMERCE  
06/25/2015 - SIMPLY VIEIRA, SECRETARY

**RESOLUTION**

Upon the communication of the County Attorney; it is hereby,

RESOLVED, that the County Attorney is hereby authorized to settle the consolidated lawsuits of Allstate Insurance Company a/s/o/ Gerard Connors v. County of Westchester, Paul Zahn, Diego Rodrigues and Geico Insurance Company a/s/o Diego Rodrigues v. County of Westchester and Paul Zahn in the amounts of \$14, 760.61 and \$10, 722.75 respectively.

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

Original Agreement	\$NA
First Amendment	\$NA
<b>This Amendment</b>	<b><u>\$NA</u></b>
TOTAL	\$NA

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>0692/3620</b>	<b>4280/05</b>		<b>\$14,760.61</b>
						<b>\$10,722.75</b>

**Budget Funding Year(s)** 2015    **Start Date** 1/1/2015    **End Date** 12/31/2015  
 (must match resolution)

**Funding Source**

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

**\$14,760.61 and \$10,722.75**