

February 1, 2016

50820

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 Matthew Hardy v. Liberty
Lines Transit, Inc., et al. in the amount of \$15,000 inclusive of attorney's fees.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Matthew Hardy v. Liberty Lines Transit, Inc., et al.

This action was commenced by plaintiff, Matthew Hardy, in the Supreme Court of the State of New York, Westchester County. Plaintiff alleges that on March 4, 2012 he was a passenger in a Liberty Lines Bus when it rear-ended another Liberty Lines Bus on Tuckahoe Road at the intersection with the New York State Thruway in Yonkers, New York. He alleges that at the time of the accident he was seated in a front facing seat and felt a heavy impact that caused him to slide forward and back. He does not recall whether he was caused to impact the seat in front of him. He was taken to St. John's Riverside Hospital from the scene with complaints of headache, neck and back pain. He was diagnosed with a whiplash injury and told to follow-up with his primary care physician. He received treatment from a chiropractor and a physical therapist for approximately 8 months. He claimed to be unable to work for approximately five months. He continues to complain of residual lower back pain and neck pain.

Plaintiff is represented by DeAngelis and Hafiz, 22 West First Street, Mount Vernon, New York. The County and Liberty Lines are represented by Kent B. Dolan of Lifflander & Reich, LLP, 425 Madison Avenue, New York, New York.

At trial, Plaintiff will argue that the Liberty Lines bus driver failed to maintain a safe and sufficient distance from the bus in front to avoid an accident. Plaintiff will argue that this alleged deviation from the standard of care was the proximate cause of his injuries.



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 and his actions were the proximate cause of plaintiff's injuries, a settlement of \$15,000.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

RFM/jhf

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/25/2016 - LISA MRIJAJ, 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 Matthew Hardy v. Liberty Lines Inc., et.al. by payment from the County of Westchester to Matthew Hardy in an amount not to exceed \$15,000.00; and it is further

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

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	44	2100	4924		\$15,000.00

Budget Funding Year(s) 2016 Start Date 1/1/2016 End Date 12/31/2016
(must match resolution)

Funding Source Tax Dollars \$15,000.00

State Aid _____

\$ 15,000.00 Federal Aid _____

(must match resolution) Other 6N fund _____