

February 1, 2016

50821

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 Diane King v. Liberty Lines
Transit, Inc., et al. in the amount of \$30,000 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 Diane King v. Liberty Lines Transit, Inc., et al.

This action was commenced by plaintiff, Diane King, in the Supreme Court of the State of New York, Westchester County. Plaintiff alleges that on October 3, 2011, she was a passenger in a Liberty Lines Bus near 115 Broadway, Dobbs Ferry, New York, when it stopped suddenly causing her to fall and break her right wrist. She was taken by ambulance to Dobbs Ferry Hospital where she was evaluated and referred to Dr. Charles Edelson for follow-up. She was operated on the following day at St. John's Hospital where she had ambulatory surgery to repair a fracture to her right wrist which required open reduction and internal fixation. Plaintiff alleged that she attended physical therapy six times per week for approximately three months post-surgery.

Plaintiff is represented by Jeffrey A. Aronsky, 16 East 40th Street, New York New York 10016. 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 made a sudden and unsafe stop causing the plaintiff to fall inside of the bus. Plaintiff will argue that this alleged deviation from the standard of care was the proximate cause of her 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 \$30,000.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

RFM/jhf

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RESOLUTION

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of Diane King v. Liberty Lines Inc, et al. by payment from the County of Westchester to Diane King in an amount not to exceed \$30,000.00; and it is further

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

Original Agreement	\$
First Amendment	\$
This Amendment	\$ _____
TOTAL	\$

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	44	2100	4924		\$30,000.00

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

Funding Source	Tax Dollars <u>30,000.00</u>
	State Aid _____
\$ 30,000.00	Federal Aid _____
(must match resolution)	Other <u>6N fund</u>

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