

55571

February 27, 2017

To: Honorable Members of the  
Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: Request for authorization to settle the matter of Rachel Webb v. The County of Westchester in the amount of \$47,500.

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Attached for your consideration is a Resolution which, if approved by your Board, would authorize settlement of the matter filed in the Supreme Court of the State of New York, Westchester County, entitled Rachel Webb v. The County of Westchester, bearing Index No. 71908/2014, in the amount of \$47,500, inclusive of costs and fees. The plaintiff is represented by Ms. Angela Giannini, of Clark, Gagliardi & Miller, P.C., 99 Court Street, White Plains, NY 10601.

The plaintiff alleges that on May 13, 2014, at approximately 7:30 pm, while driving on North Broadway, at the intersection of Park Avenue, in White Plains, NY, she drove her vehicle over a manhole cover which became dislodged thus causing her left rear wheel to fall into the void. As a result the car was totaled and plaintiff has claimed an array of injuries to her back, neck, shoulder, hip, and foot. Plaintiff also claims she lost her second job and now suffers from clinical depression as a result of these purported injuries.

The Westchester County Department of Public Works and Transportation has confirmed that both the subject section of roadway and manhole cover are controlled, operated, and or maintained by the County.

The proposed settlement takes into consideration the uncertainty of the pending motion and further litigation, and potential costs to the County including the costs of trial, subsequent proceedings and potential appeal. The accompanying Resolution will authorize settlement of the lawsuit entitled Rachel Webb v. The County of Westchester, Supreme Court of the State of New York, Westchester County, Index No. 71908/2014, in the amount of \$47,500, inclusive of costs and fees.

RFM:msd

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/30/2017 - LISA MRIJAS SECRETARY

**RESOLUTION**

Upon the communication of the County Attorney; it is hereby

**RESOLVED**, that the County Attorney is hereby authorized to settle the lawsuit entitled Rachel Webb v. The County of Westchester, Supreme Court of the State of New York, Westchester County, Index No. 71908/2014, in the amount of \$47,500, inclusive of costs and fees; 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
	615	59	0694/3820	4280/05		\$47,500

Budget Funding Year(s) 2017 Start Date 1/1/2017 End Date 12/31/2017  
(Must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other \_6N Fund (\$47,500)\_

**TOTAL = \$47,500**  
(must match resolution)