

56023

March 16, 2017

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 Boubacar Keita v. Westchester County Department of Transportation, et al. in the amount of \$60,000 inclusive of attorney's fees.

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Attached for your consideration is a resolution which, if approved by your Board, would authorize settlement of the lawsuit entitled Boubacar Keita v. Westchester County Department of Transportation, et al.

This action was commenced by plaintiff, Boubacar Keita, in the Supreme Court of the State of New York, Bronx County. Plaintiff alleges that on June 8, 2009 at approximately 11:10 pm he was a passenger in a Liberty Lines Bus when it stopped suddenly after striking a pedestrian at the intersection of Broadway and 254<sup>th</sup> Street in the Bronx. He alleges that at the time of the accident he was seated in a front facing seat and was caused to be thrown from his seat onto the floor of the bus. He was taken to Metropolitan Hospital Center with complaints of back pain, right and left shoulder pain. He was diagnosed with right and left rotator cuff tears, as well as herniated and bulging discs of the cervical and lumbar spine. He alleges that he was confined to his bed for three weeks and remained in therapy for an additional three months. He continues to complain of residual back pain and shoulder pain.

Plaintiff is represented by Okun, Oddo & Babit, 8 West 38<sup>th</sup> Street, Suite 900, New York New York 10018 and Liberty Lines is represented by Rende Ryan & Downs, LLP, 202 Mamaroneck Avenue, White Plains, New York 10601.

At trial, plaintiff will argue that the Liberty Lines bus driver failed to observe the pedestrian prior to striking him and made an unusually violent and abrupt stop which was in a different class than the jerks and jolts commonly experienced in bus travel. 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 potential 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 \$60,000.00 is proposed, and plaintiff's counsel has indicated that such an amount would be acceptable to plaintiff. Outside counsel recommends settlement of this action.

**RESOLUTION**

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of Baboucar Keita v. Westchester County Department of Transportation, et al. by payment from the County of Westchester to Baboucar Keita in an amount not to exceed \$60,000.00; 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		60,000.00

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

Funding Source Tax Dollars 60,000.00  
State Aid \_\_\_\_\_  
**\$ 60,000.00** Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_