

56024

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 Julie Jackson v.  
City of New York, et al. in the amount of \$25,000 inclusive of  
attorney's fees.

Attached for your consideration is a resolution which, if approved by your Board, would authorize settlement of the lawsuit entitled Julie Jackson v. City of New York, et al.

This action was commenced by plaintiff, Julie Jackson, in the Supreme Court of the State of New York, Bronx County. Plaintiff alleges that on June 8, 2009 at approximately 11:10 pm she 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. She alleges that at the time of the accident she was seated in a front facing seat and was caused to be thrown from her seat onto the floor of the bus. She was taken to St. Joseph's Hospital with complaints of back pain, right and left shoulder pain and knee pain. She claims her injuries necessitated treatment for approximately one month from a physical therapist, and she continues to complain of residual lower back pain, shoulder and knee pain.

Plaintiff is represented by Rosenberg Mine Falkoff & Wolff, LLP, 122 East 42<sup>nd</sup> Street, Suite 3800, New York, New York 10168 and Liberty Lines is represented by Rende Ryan & Downs, LLP, 202 Mamaroneck Avenue, White Plains, New York 10601.

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. 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 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 \$25,000.00 is proposed, and plaintiff's counsel has indicated that such an amount would be acceptable to plaintiff. Outside counsel recommends settlement of this action.

RFM: jhf

**RESOLUTION**

Upon the communication of the County Attorney; it is hereby

**RESOLVED**, that the County Attorney is hereby authorized to settle the lawsuit entitled Julie Jackson v. The City of New York, et al. by payment from the County of Westchester to Julie Jackson in an amount not to exceed \$25,000.00; 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		\$25,000

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

Funding Source: Tax Dollars \$25,000  
State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other \_\_\_\_\_

**TOTAL = \$25,000**  
(must match resolution)