

OnBase ID# 56206

March 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 lawsuit of Miguel Lopez v. Meagan E. Twomey, James C. Twomey, Salvatore Ficarotta, The County of Westchester, The Westchester County Department of Public Safety and the Westchester County Department of Corrections, in the amount of \$30,000.00, 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 matter filed in the Supreme Court of the State of New York, Westchester County, entitled Miguel Lopez v. Meagan E. Twomey, James C. Twomey, Salvatore Ficarotta, The County of Westchester, The Westchester County Department of Public Safety and the Westchester County Department of Corrections, bearing Index No. 62295/2012, in the amount of \$30,000, inclusive of costs and fees. The plaintiff is represented by William Greenberg, Esq., of The Greenberg Law Firm, LLP, 2929 Purchase Street, Purchase, New York, 10577.

Plaintiff Miguel Lopez, approximately 33 years of age and a former inmate at the Westchester County Jail at the time of the incident, alleges that on June 29, 2011, he sustained personal injuries while he was being transported in a marked correction vehicle from the Bedford Town Court to the Westchester County Courthouse in White Plains, New York. During the transport, plaintiff was seated in the rear seat, behind the driver, as it was being driven and operated by Correction Officer Salvatore Ficarotta. Although plaintiff was restrained by handcuffs, a waist chain, and leg irons as he sat in the back of the vehicle, he had not been secured by a seatbelt. Plaintiff contends that while traveling southbound on the Saw Mill River Parkway at its intersection with Grant Street in the Village of Pleasantville, the correction vehicle was involved in an accident with a minivan, driven by Meagan Twomey, a former defendant in the action, while in the middle of the intersection. The action against Meagan E. Twomey (driver) and James C. Twomey (vehicle owner) was settled for payment of \$7,500.00 prior to trial.

As a result of the collision, plaintiff alleges that he sustained, among other things, lower back and neck injuries coupled with severe lower back pain, anxiety, depression, decreased muscle strength and decreased range of motion. Plaintiff further alleges that his injuries are permanent in nature and have necessitated subsequent medical treatment, including surgery to relieve his back pain.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Resolution will authorize settlement of the lawsuit, entitled Miguel Lopez v. Meagan E. Twomey, James C. Twomey, Salvatore Ficarotta, The County of Westchester, The Westchester County Department of Public Safety and the Westchester County Department of Corrections, Westchester County Supreme Court Index No. 62295/2012, in the amount of \$30,000.00, inclusive of attorney's fees.

RFM:tal

**RESOLUTION**

Upon the communication of the County Attorney; it is hereby

**RESOLVED**, that the County Attorney is hereby authorized to settle the lawsuit entitled Miguel Lopez v. Meagan E. Twomey, James C. Twomey, Salvatore Ficarotta, the County of Westchester, the Westchester County Department of Public Safety and the Westchester County Department of Corrections, Supreme Court of the State of New York, Westchester County, Index No. 62295/2012, in the amount of \$30,000, 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	0691/3520	4280/05		\$30,000

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 (\$30,000)\_

**TOTAL = \$30,000**  
 (must match resolution)