

57953

July 7, 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 George Stathopoulos v. County of Westchester and The Village of Hastings-on-Hudson, by payment from the County of Westchester, in an amount not to exceed \$40,000.00.

Attached for your consideration is a proposed resolution which, if approved by your Board, would authorize settlement of the lawsuit entitled George Stathopoulos v. County of Westchester and The Village of Hastings-On-Hudson, by payment from the County of Westchester, in an amount not to exceed \$40,000.00.

This action was commenced by plaintiff, George Stathopoulos (“Stathopoulos”), in the Supreme Court of the State of New York, County of Westchester.

Plaintiff alleges that on August 3, 2015, at approximately 4:30 p.m., as he went to cross Warburton Avenue in the Village of Hastings-on-Hudson, he stepped off of the sidewalk and into a pothole in front of 574 Warburton Avenue, causing him to fall. As a result, plaintiff claims that he sustained a fracture to his right shoulder involving the upper portion of the humerus bone. At the time of his accident, plaintiff was ninety (90) years old, in relatively good health, active and in the course of one of his daily walks.

Plaintiff is represented in this action by Anthony Pirrotti, Jr., of Pirrotti & Glatt Law Firm, PLLC, 2 Overhill Road, Suite 200, Scarsdale, New York 10583.

At trial, plaintiff will argue that the roadway where plaintiff fell was not properly maintained by the County and, as a result, a pothole caused plaintiff to trip and fall and sustain a

serious injury. Plaintiff will further argue that witnesses will testify that the pothole existed for at least one year prior to plaintiff's accident, that it was open and obvious and should have been discovered and remedied before the time of plaintiff's accident. Plaintiff will further argue that the failure to properly maintain Warburton Avenue, in front of 574 Warburton Avenue, was the proximate cause of Stathopoulos' fall and subsequent injuries.

In light of the nature of plaintiff's injuries and the possibility that a jury may believe that the roadway where plaintiff fell was maintained in a negligent manner and that such alleged negligence was the proximate cause of plaintiff's injuries, a settlement of \$40,000.00, inclusive of all liens and attorney fees, is proposed and plaintiff's counsel has indicated that such an amount is acceptable to plaintiff.

RFM/sbf

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/03/2011
USM/PIJAJ, SECRETARY

RESOLUTION

Upon the communication of the County Attorney, it is hereby RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of George Stathopoulos v. County of Westchester and The Village of Hastings-on-Hudson, by payment from the County of Westchester, in an amount not to exceed \$40,000.00.

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	0695/3910	4280/04		40,000.00

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

Funding Source

Tax Dollars _____

State Aid _____

\$ 40,000.00

Federal Aid _____

(must match resolution)

Other 6N Fund _____