

OnBase ID # 58784

August 23, 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 Larry Brockington v. Liberty Lines Transit, Inc., et al. in the amount of \$16,500, inclusive of attorney's fees.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Larry Brockington v. Liberty Lines Transit, Inc., et al.

This action was commenced by plaintiff, Larry Brockington, on September 18, 2003, in the Supreme Court of the State of New York, Bronx County. The case was thereafter transferred to Westchester County on our motion to change venue. Plaintiff alleged that on June 27, 2002 the car in which he was a passenger was rear-ended by a Liberty Lines Bus. Liability was established through decision and order dated April 12, 2007 by the Honorable Orazio R. Bellanton and that decision was affirmed on appeal to the Second Department. The case was restored to the calendar for a trial on damages in November 2016. Plaintiff alleges that he suffered a torn meniscus as a result of the collision for which he required surgery.

Plaintiff is represented by Myron George Lasser, P.C., 60 Bay Street Staten Island, New York 10301. The County and Liberty Lines are represented by Kent B. Dolan of Lifflander & Reich, LLP, 425 Madison Avenue, New York, New York.

In light of the nature of Plaintiff's injuries and the likelihood 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 \$16,500.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

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 of Larry Brockington v. Liberty Lines Transit, Inc., et al. by payment from the County of Westchester to Larry Brockington in an amount not to exceed \$16,500.00; 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		16,500.00

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

Funding Source Tax Dollars 16,500.00

State Aid _____

\$ 16,500.00

Federal Aid _____

(must match resolution)

Other 6N fund _____