

OnBase ID # 62287

March 22, 2018

To: Honorable Members of the
Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: Request for Authorization to Settle the Lawsuit of Martina Dash v Liberty Lines et al. in the amount of \$65,000 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 Martina Dash v. Liberty Lines, et al.

This accident occurred on February 5, 2014 at approximately 2:20 p.m. at East 189th Street at or near the intersection of 3rd Avenue in the Bronx. Plaintiff, Martina Dash, alleges that she was operating a motor vehicle when her vehicle was struck in the rear by a Liberty Lines bus operated by Emil Telyczka, a Liberty Lines employee. Plaintiff's claimed injuries include a herniated lumbar disc, a bulging lumbar disc, aggravation of lumbar discogenic disease and acute right sided lumbar radiculopathy for which he received three epidural injections.

Plaintiff is represented by Silbowitz, Garafola, Silbowitz, Schatz & Frederick. LLP, 25 West 43rd Street, Suite 711, New York New York 10036. The County and Liberty Lines are represented by Harris Beach, PLLC, 445 Hamilton Avenue, Suite 1206, White Plains, New York 10601. The matter is pending in the Bronx Supreme Court.

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 by virtue of the rear end collision and that his actions were the proximate cause of plaintiff's injuries, a settlement of \$65,000.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

JMN/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 Martina Dash v. Liberty Lines, et al. by payment from the County of Westchester to Martina Dash in an amount not to exceed \$65,000.00; and it is further

RESOLVED, that the County Attorney or his designee is authorized to execute any documents necessary to implement this resolution.

Original Agreement	\$
First Amendment	\$
This Amendment	\$ _____
TOTAL	\$

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	44	2100	4924		65,000.00

Budget Funding Year(s) 2018 Start Date 1/1/2018 End Date 12/31/2018
(must match resolution)

Funding Source Tax Dollars 65,000.00

State Aid _____

\$ 65,000.00

Federal Aid _____

(must match resolution)

Other 6N fund _____