

OnBase ID No. 62288

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 Christian Peralta v The County of Westchester et al. in the amount of \$50,000 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 Christian Peralta v. The County of Westchester, et al.

On July 5, 2014 at approximately 6:15 pm, plaintiff was parked on Jerome Avenue at or near the intersection of East 213th Street, Bronx New York. Plaintiff opened the door to his vehicle, and it was immediately struck by a Liberty Lines bus. Plaintiff was taken by ambulance from the scene complaining of back injuries. Plaintiff subsequently endured three (3) separate back surgeries to his lower back that required the installation of plates and screws. He claims to suffer from continued pain in his back.

Plaintiff is represented by William Schwitzer & Associates, 112 Madison Avenue, 10th floor, New York New York 10016. The County and Liberty Lines are represented by Harris Beach, PLLC, 445 Hamilton Avenue, Suite 1206, White Plains, New York 10601.

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 in exceeding the speed limit and failing to take evasive actions to avoid hitting plaintiff's vehicle and that his actions were the proximate cause of plaintiff's injuries, a settlement of \$50,000.00 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 Christian Peralta v. Westchester County, et al. by payment from the County of Westchester to Christian Peralta in an amount not to exceed \$50,000.00; 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		50,000.00

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

Funding Source Tax Dollars 50,000.00

State Aid _____

\$ 50,000.00 Federal Aid _____

(must match resolution) Other 6N fund _____