

67489

January 25, 2019

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 Hani Fraih v. The County of Westchester, Westchester County Department of Transportation, Liberty Lines, Liberty Lines By County Risk Management, and J. Watson, by payment from the County of Westchester to Hani Fraih, in an amount not to exceed \$50,000.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Hani Fraih v. The County of Westchester, Westchester County Department of Transportation, Liberty Lines, Liberty Lines By County Risk Management, and J. Watson by payment from the County of Westchester to Hani Fraih, in an amount not to exceed \$50,000.

This action was commenced by plaintiff Hani Fraih in the Supreme Court of the State of New York, County of Westchester.

On March 28, 2014, at approximately 2:30 p.m., plaintiff, then a sixty year old self-employed landlord was driving his Dodge minivan eastbound on Saw Mill River Road. As he approached the Liberty Lines Transit bus depot, a bus operated by J. Watson ("Watson") pulled out onto the roadway, and attempted to turn left and travel eastbound. As the driver attempted to turn the bus, the right front bumper came in contact with the rear left quarter panel of plaintiff's minivan.

As a result of the accident, plaintiff alleges he began to experience pain one to three days following the accident, and sought treatment at St. John's Riverside hospital emergency room, complaining of back, left hand and left knee pain. He was treated and released on the same day, and instructed to follow up with his doctor.

Plaintiff who is currently sixty-four years old alleges that as a result of the accident he sustained tears of the posterior horn of the medial meniscus of the left knee which required repair by arthroscopic surgery. He also alleges that he sustained cervical and lumbar disc herniations, required surgical operative release of left triggering of the thumb, and frequently experiences back and neck pain.

At trial, plaintiff will argue that the driver failed to exercise reasonable care in the operation of the bus, and that this deviation from the standard of care was the proximate cause of his injuries. Plaintiff will further argue that the bus driver failed to properly observe the existing traffic conditions while operating the bus, and failed to yield the right of way to the plaintiff and that the bus driver's negligence caused him to sustain injury.

Plaintiff is represented in this action by Melvyn S. Jackowitz, Esq. 19 Fulton Street, Suite 302 New York, New York 10038.

In light of the nature of plaintiff's injuries and the possibility that a jury may believe that the negligent operation of the bus was 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 is acceptable to plaintiff.

JMN/faj

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/21/2019 USM/BIJAJ, 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 Hani Fraih v. The County of Westchester, Liberty Lines et al. by payment from the County of Westchester to Hani Fraih 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 \$

Agreement #
 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) 2019 Start Date 1/1/2019 End Date 12/31/2019
 (must match resolution)

Funding Source Tax Dollars \$50,000.00

State Aid _____

\$ _____ Federal Aid _____

(must match resolution) Other _____