

OnBASE ID # 73034

November 26, 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 *Montrail D. Gilchrist v. County of Westchester, et al.*, in the amount of \$60,000.00.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled *Montrail D. Gilchrist v. County of Westchester, et al.*

This matter arises out of a collision on August 8, 2017 at approximately 9:13 a.m. between a Liberty Lines bus and Plaintiff, Michael D. Gilchrist's vehicle. Plaintiff's vehicle was stopped at a traffic light on South Columbus Avenue at its intersection with East 4th Street, in the City of Mount Vernon. The driver admits that, while driving north on South Columbus Avenue towards its intersection with East 4th Street, his leg cramped, causing him to hit the gas pedal and drive into the rear of Plaintiff's vehicle. There is surveillance video of the accident which shows the point of impact with the rear of Plaintiff's vehicle, which was significant enough in force to push the vehicle through the intersection. Plaintiff suffered a shoulder tear requiring surgery; he also claims to suffer with residual limitation in his shoulder, and soft tissue neck and back pain.

Plaintiff is represented by Ofshtein Law Firm, P.C., 15 Bay 29th Street, 2nd Floor, Brooklyn, New York 11214. The County and Liberty Lines are represented by Keane & Bernheimer, PLLC, 400 Columbus Avenue, Suite 100S, Valhalla, New York 10595.

In light of the driver's admission, there is no question as to liability. A settlement of \$60,000.00 is proposed, and Plaintiff's counsel has indicated that such an amount would be acceptable to Plaintiff.

JMN/ggm

RESOLUTION

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of entitled Montrail D. Gilchrist v. County of Westchester, et al. by payment from the County of Westchester to Montrail D. Gilchrist in an amount not to exceed \$60,000.00; 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		60,000.00

Budget Funding Year(s): 2019
Start Date: 01/01/2019
End Date: 12/31/2019
(must match resolution)

Funding Source Tax Dollars: \$60,000.00

State Aid:

\$ 60,000.00 Federal Aid:

(must match resolution) Other: