

OnBASE ID # 80082

October 9, 2020

To: Honorable Members of the
Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: Request for Authorization to Settle the Claim of Douglas Terranova against the County of Westchester in the amount of \$22,500.00.

Attached for your consideration is a resolution that, if approved by your Honorable Board, would authorize settlement of the claims related to the action of Douglas Terranova ("Plaintiff") against the County of Westchester in the amount of \$22,500.00¹.

On November 21, 2016, at about 7:40 a.m., the plaintiff was walking on the sidewalk on the Green Acres Avenue Bridge (the "Bridge") in Scarsdale toward the Hartsdale Train Station when he claims he noticed an accumulation of ice along the sidewalk. At that point he decided to walk in the street. After taking about five (5) steps in the street plaintiff slipped and fell on ice. The Bridge is owned by the County and both the sidewalk and street surface of the Bridge are maintained by the County.

Plaintiff was removed from the accident scene by ambulance and transported to White Plains Hospital Emergency Room. Plaintiff had suffered a total dislocation of his left femoral prosthetic hip which was relocated in the emergency room.

The County retained an orthopedic physician to review the Plaintiff's medical records and perform a physical examination of Plaintiff to determine the extent of the injuries claimed as a result of this accident. The County's expert confirmed that Plaintiff suffers chronic instability and pain at his left hip resulting in an affected gait that was not present before the accident. Plaintiff also now requires a cane to stabilize his gait otherwise he walks with a limp, also not present before the accident.

The County filed a motion for summary judgment seeking to dismiss plaintiff's claims. However, that motion was denied as the Court found issues of fact requiring a trial for

¹ This claim has a reserve in the amount of \$100,000 with the County's Office of Risk Management, 6N Fund.

determination of same. Considering the totality of circumstances surrounding this case, this office believes it is in the best interest of the County to settle with the Plaintiff. Further, the Commissioners for the Department of Public Works and Transportation and the Department of Parks Recreation and Conservation have been advised of this matter and concur with the settlement.

JMN/jf

cc: Ken Jenkins
Deputy County Executive

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/12/2020 - LISA MRIJAJ, SECRETARY

RESOLUTION

Upon the communication of the County Attorney; it is hereby RESOLVED, that the County Attorney is hereby authorized to settle the claim of Douglas Terranova against the County of Westchester in the amount of \$22,500.00.

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
			Unit/subunit	Object/sub		
	615	59	0696/4010	4280/04		\$22,500.00

Budget Funding Year(s) 2020 **Start Date** 1/1/2020 **End Date** 12/31/2020
(must match resolution)

Funding Source

Tax Dollars	
State Aid	
Federal Aid	
Other	6N Fund

\$22,500.00