

OnBase ID No. 81736

December 21, 2020

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 Selective Insurance Company of South Carolina a/s/o PM Quality Painting Company v The County of Westchester et al., in the amount of \$19,520.28 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 Selective Insurance Company of South Carolina a/s/o PM Quality Painting Company v The County of Westchester et al.

This matter arises out of an incident which occurred on March 2, 2018 at approximately 12:30 p.m. at the Read Sanctuary located at 99 Playland Parkway, Rye New York. PM Quality Painting Company was contracted to perform work at the Read Sanctuary. One of the work trucks was traveling away from the Sanctuary toward the Playland Park Parking Lot when the large yellow gate blew over from the wind and impaled the vehicle through the engine and into the passenger compartment. No one was injured as a result of the accident but the property damage was estimated at \$22,965.03 and the vehicle was totaled.

Selective Insurance Company paid for the damage to the vehicle and then commenced this subrogation claim against the County. The Insurance Company is represented by local counsel, Eugene Grimes Esq., of Gambeski & Frum, 565 Taxter Road, Suite 220, Elmsford New York 10523.

The County negotiated a settlement representing 85% of the total damages to the vehicle. In light of a history of difficulty securing the gates a jury may believe that the County was negligent and that the County's negligence was a proximate cause of plaintiff's damages, a settlement of \$19,520.28 is recommended. 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 entitled Selective Insurance Company of South Carolina a/s/o PM Quality Painting Company v The County of Westchester et al., by payment from the County of Westchester to Selective Insurance Company of South Carolina in an amount not to exceed \$19,520.28; 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
615	59	0698	4220/4280	05	\$19,520.28

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

Funding Source Dollars 19,520.28

State Aid _____

\$ 19,520.28 Federal Aid _____

(must match resolution) Other X 6N fund 19,520.28