

April 13, 2010

To: Honorable Members of the  
Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: Request for Authorization to settle the lawsuit of Victor Cruz v. Louis Liberatore, individually and in his official capacity, Thomas Belfiore, individually and in his official capacity, Westchester County Police Department and the County of Westchester in the amount of \$40,000.00, inclusive of counsel fees.

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Attached for your consideration is a resolution, which, if approved by your Honorable Board, would authorize settlement of the lawsuit of Victor Cruz v. Louis Liberatore, individually and in his official capacity, Thomas Belfiore, individually and in his official capacity, Westchester County Police Department and the County of Westchester in the amount of \$40,000.00, inclusive of counsel fees.

The plaintiff, Victor Cruz (hereinafter "Cruz"), is a retired Westchester County Police Officer who filed a federal civil rights action alleging that he was discriminated against because of his national origin, subjected to a hostile work environment, and retaliated against for the exercise of his First Amendment right to free speech.

The parties engaged in extensive discovery in this matter, and at the close of discovery, the County moved for summary judgment. The County was successful in dismissing plaintiff's claims for: (1) hostile work environment against Louis Liberatore (hereinafter "Liberatore"); (2) failure to train and supervise claims against former Commissioner Belfiore (hereinafter "Belfiore"); (3) intentional infliction of emotional distress; (4) assault and battery; and (5) negligence. The County was unsuccessful, however, in dismissing Plaintiff's claims against Liberatore for equal protection and against the County of Westchester for hostile work environment and retaliation.

While the County believes that the remaining claims against the County are defensible at trial, because of the uncertainty of jury deliberations, it is the recommendation of the County's outside counsel who handled this case, O'Connor, McGuinness, Conte, Doyle and Oleson, that this matter be settled for \$40,000, inclusive of counsel fees. I also concur in this recommendation.

RFM:laa

RESOLUTION

Upon the communication of the County Attorney; it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit Victor Cruz v. Louis Liberatore, individually and in his official capacity, Thomas Belfiore, individually and in his official capacity, Westchester County Police Department and the County of Westchester in the amount of \$40,000.00, inclusive of counsel fees.

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	Agency	Unit / Sub-unit Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	615	59	0680 / 2750	4280 / 04			\$40,000.00
TOTAL							

Budget Funding Year(s) 2010 Start Date 1/1/2010 End Date 12/31/2010

(must match resolution)

Funding Source

Tax Dollars	
State Aid	
Federal Aid	
Other	6N Fund

\$40,000.00 - 6N Fund

(must match resolution)