

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

OnBase ID # 93541

May 23, 2022

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 Cynthia Carrasquillo v. The County of Westchester, et al, in the amount of \$40,000.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Cynthia Carrasquillo v. The County of Westchester, et al, Index No. 59027/2018. The matter tentatively settled on May 16, 2022 pending this Board's approval of a settlement in the amount of \$40,000.00, inclusive of attorney's fees.

The circumstances of this Liberty Lines bus case are as follows.

The 70-year-old plaintiff/passenger claims that on July 1, 2017, a Liberty Lines bus came to an abrupt stop in the Bronx and caused her to fall. The bus video camera shows that plaintiff fell on her back onto the bus floor. She could not get up immediately after the fall and started yelling, "my back, my back".

Plaintiff was taken to Jacobi Hospital ER via ambulance. She was there about eight hours; she did not stay overnight. She explained to medical staff that her lower back hurt. She had never had any prior injuries or treatment to her lower back. Staff performed a CT scan and an x-ray. Her ER doctor showed her the x-ray and explained that she had a fracture at L-1.



Plaintiff returned to the Jacobi Hospital spine clinic on the following Tuesday after the accident. She was instructed to get a back brace. She ordered a brace and picked it up at the clinic. She had a total of six to eight appointments at the clinic. Initially, she went once every two weeks, and then reduced her visits to once a month.

Plaintiff also began going to physical therapy at Jacobi Hospital. She went for about six months, at a rate of twice a week. Plaintiff wore her back brace every day for three to six months.

Plaintiff's Bill of Particulars claims the following injuries as a result of the accident: L-1 end plate fracture, and L4-L5 spondylolistheses along with all resultant sequelae.

There was no disciplinary action taken against the driver because the driver passed away three weeks after the incident occurred.

It is important to note that the County lost its motion for summary judgment on the issue of liability. Consequently, the risk of unsuccessfully defending this case during a trial increased significantly.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. Both outside counsel and our insurer's adjuster recommend this settlement. The County will pay the \$40,000 settlement as part of the \$250,000 self-insured retention in its insurance policy.

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/30/2022 - RAYMOND SUJIKY, SECRETARY

RESOLUTION

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit entitled, Cynthia Carrasquillo v. The County of Westchester, et al, Index No. 59027/2018, by payment from the County of Westchester to Cynthia Carrasquillo in an amount not to exceed \$40,000.00; 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		40,000.00

Budget Funding Year(s) 2022 Start Date 1/1/22 End

Date 12/31/22

(must match resolution)

Funding Source

Tax Dollars 40,000.00

State Aid _____

\$ 40,000.00

Federal Aid _____

(must match resolution)