

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

OnBase ID # 94841

July 15, 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 Lynn Davis v. The
County of Westchester, et al, in the amount of \$15,000.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit entitled Lynn Davis v. The County of Westchester, et al, Index No. 35203/2018. The matter tentatively settled on July 14, 2022 pending this Board's approval of a settlement in the amount of \$15,000.00, inclusive of attorney's fees.

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

This accident occurred on June 19, 2017 at approximately 6:22 p.m. on Tarrytown Road/Route 119 in White Plains, New York. Bus #240, driven by Alphonso Snipe, was heading north on Tarrytown Road/Route 119 in White Plains. Traffic was moving at approximately ten miles per hour.

Plaintiff's vehicle, driven by her husband Ronald Davis, was directly in front of the bus. Mr. Snipe reported that plaintiff's vehicle stopped short. He was not able to stop before contacting the rear of plaintiff's vehicle due to what he characterized as lack of traction on the wet road. There were only scuff marks to plaintiff's vehicle and no visible damage to the bus. The bus video establishes without question that due to the rear end collision, liability was 100% the responsibility of the bus driver.



In her Bill of Particulars, plaintiff claims the following injuries as a result of the accident: herniations and bulges in the cervical spine; tendinosis of the right shoulder; and right elbow strain. She did not undergo any surgery or receive any injections. She did not miss any time from work as a result of the accident. Her treatment consisted of six months of physical therapy.

The bus operator was charged with a preventable accident and issued a warning to drive more safely.

It is important to note that the plaintiff won its motion for a partial 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 \$15,000 settlement as part of the \$250,000 self-insured retention in its insurance policy.

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/11/2022 RAYMOND SULLIVAN, 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, Lynn Davis v. The County of Westchester, et al, Index No. 35203/2018, by payment from the County of Westchester to Lynn Davis in an amount not to exceed \$15,000.00; 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		15,000.00

Budget Funding Year(s) 2022 Start Date 1/1/22 End Date 12/31/22
(must match resolution)

Funding Source Tax Dollars 15,000.00

State Aid _____

\$ 15,000.00 Federal Aid _____

(must match resolution)