



Kenneth W. Jenkins  
County Executive

Office of the County Attorney

John M. Nonna  
County Attorney

OnBase ID #: 112845

January 13, 2026

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 Shean Bennett against Westchester County; Children's Home of Poughkeepsie; and Does 1-10 in the amount of \$149,999.99.

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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 Shean Bennett against Westchester County; Children's Home of Poughkeepsie; and Does 1-10 in the amount of \$149,999.99.

On or about July 27, 2021, Shean Bennett ("Plaintiff") commenced a revival action in the Supreme Court, Westchester County against Westchester County, Children's Home of Poughkeepsie, and Does 1-10 under the New York State Child Victims Act pursuant to CPLR § 214-g for personal injuries sustained in or about 1986 or 1987. Plaintiff, a foster child, was placed by Westchester County Department of Social Services into Children's Home of Poughkeepsie, a residential foster care facility. Plaintiff alleges that he was sexually abused by a female employee of Poughkeepsie Children's Home. He alleges that he was about 10 years old at the time of the sexual abuse and that the abuse was about 5 incidents that culminated in sexual intercourse.

The County made a motion for summary judgment and argued that the Plaintiff could not prove that the County had a special duty to the Plaintiff, the County had no notice of the sexual acts or propensity of the abuser, the County is not vicariously liable for the acts of Children's Home of Poughkeepsie employees, and the County did not have day-to-day oversight and supervision of the facility. The County's motion was denied.

In light of the nature of these allegations and the likelihood that a jury may find that the County was negligent in failing to adequately supervise the Plaintiff while he was placed at Poughkeepsie Children's Home, a settlement in the total amount of \$750,000.00 is recommended with the County contributing \$149,999.99, inclusive of counsel fees.

Plaintiff is represented by Ameer Benno, Esq. of Herman Law, 475 5<sup>th</sup> Avenue, 11<sup>th</sup> Floor, New York, New York 10017. The co-defendant was represented by Andrew Schwab of Schwab Gasparini, 222 Bloomingdale Road, Suite 200, White Plains, New York 10605.

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/22/2026 - RAYMOND SCULKY, SECRETARY

## RESOLUTION

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of Shean Bennett against Westchester County; Children's Home of Poughkeepsie; and Does 1-10 by payment from the County of Westchester to Shean Bennett in an amount not to exceed \$149,999.99; 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	\$
<b>This Amendment</b>	<b>\$</b> _____
TOTAL	\$

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
615	59	0510/1050	4280/04		149,999.99

Budget Funding Year(s) \_\_\_\_\_ 1986 Start Date \_\_\_\_\_ 01/01/1986 End Date \_\_\_\_\_ 12/31/1986  
(must match resolution)

Funding Source \_\_\_\_\_ Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$ \_\_\_\_\_ Federal Aid \_\_\_\_\_

(must match resolution) Other (6N fund) \_\_\_\_\_ \$149,999.99

JMN:cmf