

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

November 7, 2024

ONBASE I.D. #: 109922

To: Honorable Members of the
Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: Request for Authorization to Settle the Last of the Three Claims in
the Lawsuit entitled, Phyllis A. Alston, Maureen E. Daprile, and
Nicole Williams v. County of Westchester, et al v. The County of
Westchester, et al, Index No. 70866/2018 in the amount of
\$97,624.87.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the last of the three claims in the lawsuit entitled, Phyllis A. Alston, Maureen E. Daprile, and Nicole Williams v. County of Westchester, et al v. The County of Westchester, et al, Index No. 70866/2018. This last claim is that of Nicole Williams. The claims of Alston and Daprile have been previously settled and paid by the County.

The matter tentatively settled on October 28, 2024 pending this Board's approval of a settlement in the amount of \$750,000, inclusive of attorney's fees. The County's insurance company, RLI Insurance Company, agreed to settle this matter for a total of \$1.5 million by assuming a 50% share - - \$750,000. - - of this settlement with the insurer for co-defendant Leprechaun Bus Lines also paying \$750,000. The County will only pay the \$97,624.87. remaining balance of its \$250,000 self-insured retention in its \$1 million insurance policy with RLI Insurance Company.



The circumstances of this Liberty Lines bus incident case are as follows:

The accident occurred at about 5:30 p.m. on Thursday, 5/24/18. The place of the accident was the oval in front of Westchester Medical Center in Valhalla at South Plaza Road and Emergency Drive. Plaintiff was a passenger on a bus owned by Leprechaun Lines, Inc., which was involved in a left-sided sideswipe interaction with a Liberty Lines bus. Plaintiff claimed various injuries as a result of the accident.

On 5/3/22, an orthopedic surgeon performed a lumbar laminectomy, partial facetectomy, and foraminotomy at L4-5 on plaintiff's back. On 4/9/19, plaintiff underwent a cervical discectomy and fusion at C4-5 and C5-6.

Plaintiff was awarded partial summary judgment by order dated and entered March 14, 2022. It is important to note that the plaintiff won a motion for summary judgment on the issue of liability. Consequently, the risk of unsuccessfully defending this case during a trial increased significantly.

The bus operator involved in this accident was given retraining and issued a special agreement for the accident.

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 \$97,624.87. balance of the \$250,000 self-insured retention in its insurance policy.

APPROVED BOARD OF ACQUISITION CONTRACT - 12/03/2014 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 last of the claims in the lawsuit entitled, Phyllis A. Alston, Maureen E. Daprile, and Nicole Williams v. County of Westchester, et al, Index No. 70866/2018 by payment from the County of Westchester to Nicole Williams in an amount not to exceed \$97,624.87; 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		97,624.87

Budget Funding Year(s) 2024 Start Date 1/1/24 End Date 12/31/24
 (must match resolution)

Funding Source Tax Dollars \$97,624.87

State Aid _____

\$ 97,624.87 Federal Aid _____

(must match resolution)

PRIVILEGED AND CONFIDENTIAL

November 6, 2024

To: John Nonna
County Attorney

From: Mark Gardner
Senior Assistant County Attorney

Re: Request for Authorization to Settle the Last of the Three Claims in the Lawsuit entitled, Phyllis A. Alston, Maureen E. Daprile, and Nicole Williams v. County of Westchester, et al v. The County of Westchester, et al, Index No. 70866/2018 in the amount of \$97,624.87.

Attached for your review is a proposed resolution in the above-referenced matter.

This resolution would authorize settlement of the last of the three claims in the lawsuit entitled, Phyllis A. Alston, Maureen E. Daprile, and Nicole Williams v. County of Westchester, et al v. The County of Westchester, et al, Index No. 70866/2018. This last claim is that of Nicole Williams. The claims of Alston and Daprile have been previously settled and paid by the County.

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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 \$97,624.87. balance of the \$250,000 self-insured retention in its \$1 million insurance policy with RLI Insurance Company.

If you require any further information, please feel free to contact me.

APPROVED BOARD OF ACQUISITION & CONTRACT 120352024 RAYMOND SULLIVAN SECRETARY