

OnBASE ID # 89556

December 8, 2021

To: Honorable Members of the  
Board of Acquisition and Contract

From: John M. Nonna  
County Attorney

Re: Request for Authorization to Settle the Lawsuit Progressive Specialty Insurance Company as subrogee of Juan Farias Sanchez v. County of Westchester in the amount of \$11,084.57.

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Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit Progressive Specialty Insurance Company as subrogee of Juan Farias Sanchez v. County of Westchester.

This was a lawsuit filed by Progressive Specialty Insurance Company as subrogee of Juan Farias Sanchez against the County for property damage caused by a County vehicle to Mr. Sanchez's vehicle parked on the side of the street. At the time of the accident, the County vehicle was making a left turn onto 2<sup>nd</sup> Street in New Rochelle when it struck Mr. Sanchez's vehicle with the passenger side rear stanchion/stabilizer which had accidentally extended outward. According to the driver of the County vehicle, the safety pin that locks the stanchion/stabilizer in place had popped out, resulting in it being released. In addition, two other vehicles were also struck, however, they are not part of this claim. Based upon the circumstances of this accident, there is 100% total liability assigned to the County.

No claim has been made for personal injuries. However, a claim has been made by Progressive for the property damage to Mr. Sanchez's vehicle, in the amount of \$11,084.57. The total cost of the damage to Mr. Sanchez's vehicle was \$11,949.94. Progressive incurred \$623.14 in car rental expenses, but received \$1,488.51 in salvage value for the motor vehicle, bringing the total remaining damage cost to \$11,084.57, which is the amount Progressive is seeking in this case.

Plaintiff is represented by Jodi P. Feldman, of Feldman & Feldman, LLP, 811 West Jericho Turnpike, Suite 201W, Smithtown, New York 11787.

In light of the nature of the property damage and the liability assessment, a settlement of \$11,084.57 is proposed, and plaintiff's counsel has indicated that such an amount would be acceptable to plaintiff.

JMN/tal

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/06/2022 - 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 Progressive Specialty Insurance Company as subrogee of Juan Farias Sanchez v. County of Westchester by payment from the County of Westchester to Progressive Specialty Insurance Company in the amount of \$11,084.57; 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	\$	N/A
First Amendment	\$	N/A
This Amendment	\$	N/A
<b>TOTAL</b>	<b>\$</b>	<b>N/A</b>

Account to be  
Charged/Credited

Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub- Object	Trust Account	Activity	Dollars
615	59	N/A	4280/05	N/A	1000	\$11,084.57

Budget Funding Year(s) 2019  
(must match resolution)

Start Date 1/1/2019

End Date 12/31/2019

Funding Source

Tax Dollars \_\_\_\_\_

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

**\$ 11,084.57**

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

(must match resolution)

Other \_\_\_ Self-Insurance Retention 6N \_\_\_\_\_