



## Committee on Law & Major Contracts

~MINUTES~

Friday, March 6, 2020

8:30 AM

Committee Chair: Lyndon Williams

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

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### CALL TO ORDER

Attendee Name	Title	Status	Arrived
Lyndon Williams	Chair	Present	
Jose Alvarado	D17 Legislator	Present	
Nancy Barr	D6 Legislator	Present	
Vedat Gashi	D4 Legislator	Present	
MaryJane Shimsky	D12 Legislator (Majority Leader)	Remote	
Colin Smith	D1 Legislator	Remote	
Benjamin Boykin	D5 Legislator (Chairman)	Present	

Others In Attendance: BOL: By Phone: Legislator Kitley Covill LAW: John Nonna, Stacey Dolgin-Kmetz, Loren Zeitler, David Chen, Jason Whitehead

### MINUTES APPROVAL

- Friday, February 14, 2020 at 8:30 AM

**On motion of Legislator Alvarado, seconded by Legislator Gashi, the minutes were approved by a vote of 5 - 0.**

### I. ITEMS FOR DISCUSSION

Guest: County Attorney John Nonna, Chief Deputy County Attorney Stacey Dolgin-Kmetz, Associate County Attorneys David Chen and Loren Zeitler

- (ID # 12421) Act – Lawsuit Settlement - Inczedy v. Liberty Lines:**

AN ACT authorizing the County Attorney to settle the lawsuit of Michael Inczedy v. Liberty Lines Transit, Inc. et al, in the amount of FIVE HUNDRED FORTY THOUSAND (\$540,000) DOLLARS, inclusive of attorney's fees.

County Attorney John Nonna stated that this case involved an accident in Yonkers, in which a Liberty Lines bus driver attempting to switch lanes hit a Cablevision van driven by the plaintiff. The plaintiff suffered neck and lower back injuries that have prevented him from going back to work. The issue of liability was clear, and RLI, the excess carrier, deemed the injuries substantial enough to justify the settlement amount. The County will pay \$250,000, and the excess carrier will pay the remaining \$290,000 of the settlement.

With a motion by Legislator Barr, seconded by Chairman Boykin, the item was approved by a vote of 5 - 0.

**RESULT: SIGNED BY COMMITTEE**

**2. (ID # 12454) Act – Settlement of Workers Comp Benefits (S.P.):**

AN ACT authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester and pay a reduced lump sum to a former County employee in lieu of future payments.

Mr. Nonna discussed this case, in which S.P., a 42-year-old Correction Officer, was injured while restraining an unruly inmate. She injured her right should and knee, neck and back. She worked intermittently until she had should surgery on September 28, 2005. She returned to work from January 16, 2006 until November 27, 2006, when she had neck surgery. She never returned to work, and retired effective May 1, 2008. She filed a claim with the Workers Comp Board, and on August 14, 2019, was found to be permanently partially disabled ("PPD"). The County was ordered to make yearly PPD payments of \$20,800 to A.I. for the remainder of her life. To date, the County has paid \$357,926.22 in lost wage payments, \$161,406.16 in medical payments, and additional payments of \$20,470.55, for a total of \$539,802.93. Triad calculated A.I.'s life expectancy as 25.4 years. Using a 5% discount rate for the yearly payments of \$20,192.12 over 16.9 years, the County's indemnity exposure reduced to net present value is \$303,380.85. The County's medical reserve is \$76,106. The County's total potential exposure is \$379,486.85. The proposed settlement includes an indemnity payout of \$187,200 and an MSA of \$57,022.67, for a total of \$244,222.67, a potential savings of \$135,264.18. This will also terminate the County's obligation to pay future indemnity and medical payments.

With a motion by Legislator Alvarado, seconded by Chairman Boykin, the item was approved by a vote of 5 - 0.

**RESULT: SIGNED BY COMMITTEE**

## II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

County Attorney John Nonna will provide an update on pending litigation and other Law Department items.

Mr. Nonna and Senior County Attorney Loren Zeitler provided an update on the opioid litigation. Associate County Attorney David Chen gave an update on the PFAS litigation. Mr. Nonna also discussed the status of litigation involving Yonkers Contracting, the Merestead property, Standard Amusements, claims by inmates at the County jail, and the class action challenging the time frame in which DSS processes Medicaid applications. Mr. Nonna stated that he would like to provide updates at a future meeting from the Appeals, Contracts, and Family Court Bureaus of the Law Department.

With a motion by Legislator Gashi, seconded by Legislator Barr, the committee went into executive session at 10:27 a.m. to discuss privileged information regarding litigation strategy. With a motion by Legislator Gashi, seconded by Legislator Barr, the committee came out of executive session at 10:42 a.m.

### III. RECEIVE & FILE

1. **(ID # 12404) Communication – HON. MARYJANE SHIMSKY: Journal News Article - "Opioid Victims Can Start Purdue Pharma Claims":**

Forwarding a *Journal News* article entitled, "Opioid Victims Can Start Purdue Pharma Claims."

With a motion by Chairman Boykin, seconded by Legislator Barr, the item was received and filed by a vote of 5 - 0.

<b>RESULT:            RECEIVED AND FILED</b>
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### ADJOURNMENT

Moved by Legislator Barr and seconded by Legislator Gashi, the Committee adjourned at 10:35 a.m.