

RESOLUTION NO. 2016197

RE: AUTHORIZING SETTLEMENT FROM
JUDGMENT & CLAIMS

Legislators FLESLAND, MICCIO, SAGLIANO, and LANDISI offer the following and move its adoption:

WHEREAS, Merle Humiston brought an action against the County of Dutchess for injuries resulting from her having fallen on County property, and

WHEREAS, Merle Humiston alleged that the County was negligent with regard to the maintenance of the property, and

WHEREAS, the County of Dutchess denied that it was negligent in the maintenance of the property, and

WHEREAS, the lawsuit has been called for trial and a tentative settlement in the action was reached on the eve of trial contingent upon the County's approval of the settlement and further contingent upon the Plaintiff's (Merle Humiston) ability to compromise a Medicare lien for health care expenses incurred in her medical treatment for injuries suffered in the fall, and

WHEREAS, the County Attorney has recommended that the case be settled for the sum of \$90,000 in satisfaction of all claims brought by Merle Humiston against the County of Dutchess and all liens applicable to the file, and

WHEREAS, it is in the best interest of the County to settle the matter, now therefore, be it

RESOLVED, that the action by Merle Humiston shall be settled contingent upon the satisfaction of the outstanding Medicare lien, and be it further

RESOLVED, that Commissioner of Finance is hereby authorized to pay the sum of \$90,000.00 from the operating funds (A.1910.12.4463 Judgments and Claims) for the settlement.

CA-112-16
JMF:kvh/L-5522
07/19/16
Fiscal Impact: attached.

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of August 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of August 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS
(To be completed by requesting department)

Total Current Year Cost \$ 90,000

Total Current Year Revenue \$ 0

and Source
A.1910.12.4463 - Judgements and Claims

Source of County Funds (check one): Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

Resolution authorizes settlement in the case of Merle Humiston v. Dutchess County in the amount of \$90,000.

Prepared by: Tiffanie Massey, Budget Office

Prepared On: 07/15/2016