

444-17

Staff Summary

**Subject:**

Settlement Resolution-Estate of Andrea Rebello, et al. v. County of Nassau, et al, Docket No. 15-cv-2484 (JMA)(AKT); Estate of Andrea Rebello, et al. County of Nassau, et al, 4911/2014; and related Article 78 applications

Department

County Attorney

Department Head Name

Carnell T. Foskey, County Attorney

Department Head Signature

Carnell T. Foskey by Lisa L. Curtis, Chief Deputy County Attorney

Date

November 9, 2017

Internal Approvals

Date & Init.	Approval	Date & Init.	Approval
11/10/17 <i>EF</i>	County Executive or Deputy		Director of Legislative Affairs
	Budget	11/10/17 <i>EF</i>	Counsel to County Executive

Narrative:

To authorize settlement of *Estate of Andrea Rebello, et al. v. County of Nassau, et al*, Docket No. 15-cv-2484 (JMA)(AKT); *Estate of Andrea Rebello, et al. County of Nassau, et al*, 4911/2014; and related Article 78 actions.

Purpose:

To settle state and federal lawsuits.

Discussion/Procedure

Plaintiffs sued the County and numerous County police officers in state and federal courts alleging wrongful death and other deprivation of civil rights and claims in the death of Andrea Rebello.

Impact on funding:

A global settlement of claims has been reached by all parties in the amount of \$4.5 million in full and final settlement of these cases

Recommendation:

Approve as submitted.

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RECEIVED
NASSAU COUNTY
CLERK OF THE SUPREME COURT

EDWARD P. MANGANO
County Executive



CARNELL T. FOSKEY
County Attorney

**Inter-Departmental Memo
FOR EXECUTIVE SESSION ONLY**

To: Clerk of the Legislature
From: Office of the County Attorney
Date: November 9, 2017
Re: RESOLUTION – ORIG. DEPT. – Office of the County Attorney

A RESOLUTION authorizing the County Attorney to compromise and settle the claim of Plaintiffs, as set forth in the action entitled *Estate of Andrea Rebello, et al., v. County of Nassau, et al.*, Index No. 4911/2014; *Estate of Andrea Rebello, et al., v. County of Nassau, et al.*, 15 Civ. 2484; *Roth & Roth LLP v. Krumpter, et al.*, Index No. 6590/2014; and *Lassin v. Krumpter, et al.*, Index No. 10066/2015 pursuant to the County Law, the County Government Law of Nassau County and the Nassau County Administrative Code.

The above-described document attached hereto is forwarded for your review and approval and subsequent transmittal to the County Legislature for inclusion upon their calendar.

CARNELL T. FOSKEY
County Attorney

A handwritten signature in black ink, appearing to read "Nicholas Vevante", is written over a horizontal line.

By: Nicholas Vevante
Deputy County Attorney
Appeals Bureau

A handwritten signature in black ink, appearing to read "Robert Miles", is written over a horizontal line.

Robert Miles
Law Assistant Temporary
Appeals Bureau

Attachments

RESOLUTION NO. - 2017

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF PLAINTIFFS, AS SET FORTH IN THE ACTION ENTITLED *ESTATE OF ANDREA REBELLO, ET AL., V. COUNTY OF NASSAU, ET AL.*, INDEX NO. 4911/2014; *ESTATE OF ANDREA REBELLO, ET AL., V. COUNTY OF NASSAU, ET AL.*, 15 CIV. 2484; *ROTH & ROTH LLP V. KRUMPTER, ET AL.*, INDEX NO. 6590/2014; AND *LASSIN V. KRUMPTER, ET AL.*, INDEX NO. 10066/2015 PURSUANT TO THE COUNTY LAW, THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY AND THE NASSAU COUNTY ADMINISTRATIVE CODE.

APPROVED AS TO FORM



Deputy County Attorney

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CLERK OF NASSAU COUNTY
JENNIFER L. HARRIS

WHEREAS, Nella Rebello, Fernando Rebello and Jessica Rebello, and the Estate of Andrea Rebello (the "Plaintiffs") commenced an action against the County of Nassau (the "County") entitled *Estate of Andrea Rebello, et al., v. County of Nassau, et al., Index No. 4911/2014; Estate of Andrea Rebello, et al., v. County of Nassau, et al., 15 Civ. 2484; Roth & Roth LLP v. Krumpster, et al., Index No. 6590/2014; and Lassin v. Krumpster, et al., Index No. 10066/2015*, alleging certain violations of the Plaintiffs' rights, and the County has agreed to make payment to Plaintiffs in the amount of \$4,500,000.00 inclusive of attorneys' fees in full satisfaction of the litigation; and

WHEREAS, the County Attorney has caused an investigation and analysis to be made of the said action and as a result thereof recommends that it be settled in the amount set forth above; now therefore, be it

RESOLVED, that the County Attorney be and is hereby authorized and directed to settle the said action in the amount as indicated above, provided that, if any payment arising from said action is to be made from the proceeds of a borrowing, that a bond ordinance to finance such settlement is adopted by this Legislature and any borrowing pursuant to such bond ordinance is approved by the Nassau County Interim Finance Authority, if such approval is required; and be it further

RESOLVED, that the County Treasurer be and is hereby authorized to pay a maximum of \$4,500,000.00 by check or checks payable as directed by the County Attorney, said check or checks to be delivered to the County Attorney and thereupon delivered to the attorneys for Plaintiffs, Nella Rebello, Fernando Rebello and Jessica Rebello, and the Estate of Andrea Rebello, upon receipt of a Settlement Agreement and Limited Release; and be it further

RESOLVED, that it is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 *et seq.* and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this settlement is a "Type II" Action within the meaning of Section 617.5(c)(29) of 6 N.Y.C.R.R. and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.