

**A RESOLUTION AUTHORIZING THE SETTLEMENT
OF THE CLAIM OF ROSANA GOMES v. CITY OF
MOUNT VERNON AND PAN KUO REALTY**

WHEREAS, on or about May 12, 2023, a Notice of Claim was filed by Mary Dyer against the City of Mount Vernon and Pan Kuo Realty, alleging that she sustained personal injuries as a result of a trip and fall accident that occurred on February 24, 2023, due to a defective sidewalk condition allegedly caused by a decaying tree that partially uprooted the sidewalk; and

WHEREAS, as a result of the alleged accident, Ms. Dyer claims to have sustained serious injuries, including a fractured and deviated nasal fracture requiring surgical intervention and a distal radius fracture of the left wrist, and seeks damages in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00); and

WHEREAS, the City of Mount Vernon was subsequently served with a Summons and Complaint arising out of the same incident on January 11, 2024; and

WHEREAS, testimony provided by the City witness and the co-defendant property owner created an issue of fact as to which entity performed work in the vicinity of the accident location approximately one month prior to the incident; and

WHEREAS, the co-defendant, Pan Kuo Realty, has agreed to contribute the sum of Two Hundred Eighty Thousand Dollars (\$280,000.00) toward the settlement of this matter; and

WHEREAS, although the City established that it had knowledge of the condition after acquiring the property and failed to undertake corrective measures to repair the sidewalk, it is in the best interests of the City to contribute a nominal amount toward settlement and fully resolve the litigation, thereby avoiding the risks, uncertainties, and potential increased exposure associated with continued litigation and the possibility of future medical treatment or additional surgical intervention; and

WHEREAS, by correspondence dated June 22, 2026, the Corporation Counsel reviewed and evaluated the claim and recommended that the Board of Estimate and Contract approve a settlement contribution by the City in the amount of Twenty Thousand Dollars (\$20,000.00);

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Estimate and Contract hereby authorizes the settlement of the claim of Mary Dyer in the amount of Twenty Thousand Dollars (\$20,000.00); and be it further

RESOLVED, that the Comptroller is hereby authorized and directed to make payment of said amount from Budget Code A1930.494 – Judgments and Settlements, as appropriated in the 2026 Budget; and be it further

RESOLVED, that the Mayor, Corporation Counsel, Comptroller, and such other City officials as may be necessary are hereby authorized to execute any and all documents required to effectuate the settlement and release of claims arising from this matter.