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County settles suit filed by ex-inmate

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LOCKPORT — Niagara County has settled a lawsuit by a former jail inmate who sued after being sexually abused by a corrections officer.

Meanwhile, a similar lawsuit, filed by a female inmate who was abused by another corrections officer, was hanging by a thread after a judge refused to allow the woman to increase the number of defendants in her suit.

The lawsuit that was settled involved a male inmate who said he was sexually assaulted in Niagara County Jail by a corrections officer, Jeffrey C. Plump, in 2002.

Plump eventually pleaded guilty to third-degree sodomy and served four years in prison.

The Niagara Falls man who said Plump abused him sued in 2005.

The settlement occurred earlier this fall and was sealed, but it was under the \$25,000 level that would have required the County Legislature to vote on it. A source with knowledge of the outcome said the settlement was close to the \$25,000 figure.

William P. Moore of the Buffalo law firm Lipsitz Green, who represented the inmate, would not discuss the terms, but he said his client already has been paid.

“It was a settlement to the satisfaction of both parties,” Moore said.

County Attorney Claude A. Joerg said the county acknowledged no wrongdoing in settling the suit. He said the decision to make a deal was driven, in part, by the potential cost of bringing in outside counsel if the case went to trial.

The complainant, now 27, is a Level 3 sex offender.

Moore, who also represents the female inmate, said he will make a motion under federal law to add Sheriff James R. Voutour, the Sheriff's Office and a former corrections officer, Scott W. Magill, as defendants.

State Supreme Court Justice Richard C. Kloch Sr. rejected the effort to add defendants under state law earlier this month, ruling that the statute of limitations on a notice of

claim had expired.

Magill, who had been a corrections officer for 13 years, was arrested in April 2009. After originally being charged with second-degree sexual abuse, he eventually pleaded guilty to official misconduct and was placed on three years' probation.

The inmate, a married mother of three who was serving a sentence for burglary, is now 27. She said in pretrial testimony that Magill kissed her and fondled her on numerous occasions between January and April of last year.

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