

August 28, 2020

The City Council
Niagara Falls, New York

RE: Request for approval to settle and pay claim of Thomas L. Carter for pending federal court litigation and all other pending claims for which litigation has not yet commenced.

Date of Occurrence: October 31, 2018
Date Claim Filed: January 28, 2019, and Notice of Claim N/A to § 1983 claim
Date Action Commenced: October 30, 2019
Location: 2400 block of Woodlawn Avenue
Nature of Claim: § 1983 claim alleging police misconduct
City Driver: N/A
Status of Action: The City and one of its police officers were both named as defendants in a civil suit commenced in State Supreme Court. That case was removed to federal court, Western District of New York, by the City's outside counsel. A motion to dismiss has been made on behalf of the City only, and remains pending. At this juncture, Corporation Counsel determined that a settlement could be reached that will avoid continuing litigation costs.
Recommendation/Reason: Best interest of City
Amount to be Paid: \$8,000.00
Make Check Payable to: Viola, Cummings & Lindsay, LLP, as attorneys for Thomas L. Carter
Conditions: Stipulation of Discontinuance as to all parties in pending federal court case and General Release to City must be approved by Corporation Counsel

It is the recommendation of this Department that the above settlement be paid under the terms set forth above. Will the Council so approve?

Respectfully submitted,

CHRISTOPHER M. MAZUR
Corporation Counsel

Kennedy ____ Spanbauer ____ Tompkins ____ Touma ____ Voccio ____