



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

DEPARTMENT OF LAW

August 12, 2022

The City Council
Niagara Falls, New York

RE: Request for approval to settle property damage claim of GEICO General Insurance Company, A/S/O DAVID GRAY

Date of Occurrence: March 18, 2021.
Date Claim Filed: May 14, 2021.
Date Action Commenced: January 13, 2022, N.Y.S. Supreme Court, Niagara County.
Location: Intersection of 7th Street and Niagara Street.
Nature of Claim: City employee operating police vehicle backed into a parked car belonging to David Gray, resulting in property damage for which GEICO paid \$1,638.13 on behalf of its insured, Mr. Gray. The claimant, GEICO, thereby obtained equitable subrogation rights against the City in the amount of \$1,638.13.
City Driver: Domenic Senese.
Status of Action: This matter has been investigated by Corporation Counsel, and at this juncture, we are recommending the settlement outlined below.
Recommendation/Reason: Best interest of the City.
Amount to be Paid: \$1,638.13.
Check Writing Details: NYMIR issued a settlement draft to Claimant that included an additional \$500.00 payment for which GEICO did not meet its burden of proof and which was not approved by Corporation Counsel. Therefore, to avoid violation of N.Y. Const., art. VIII, § 1. the City Controller is authorized to reimburse NYMIR for \$1,638.13, provided that NYMIR's invoice is accompanied by a signed General Release approved by Corporation Counsel.
Conditions: As set forth above.

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

Bax _____ Myles _____ Tompkins _____ Zajac _____ Spanbauer (Chair) _____