

The City Council
Niagara Falls, New York

Date: December 5, 2019

RE: Request for Approval to Settle and Pay Claim of Frank Esposito c/o Phillips Lytle
LLP, One Canalside, 125 Main Street, Buffalo, NY 14203

Council Members:

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|------------------------|--|
| Date Claim Filed: | May 16, 2012 |
| Date of Occurrence: | February 19, 2012 |
| Location: | Niagara Falls Police Department |
| Nature of Claim: | Personal injuries allegedly sustained during arrest of Plaintiff |
| Recommendation/Reason: | Best interest to City to settle to avoid continuing defense costs |
| Amount to be Paid: | \$40,000 and transfer of property acquired during the In Rem auction process located at 1728 Welch Avenue, Niagara Falls, NY |
| Make Check Payable to: | Phillips Lytle LLP, as attorneys |
| Conditions: | Settlement Agreement and deed transfer to be approved by Corporation Counsel. |

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

Respectfully submitted,

CRAIG H. JOHNSON
Corporation Counsel

Kennedy____ Scott____ Tompkins____ Voccio____ Touma____