

December 3, 2020

The City Council  
Niagara Falls, New York

RE: Request for approval to settle and pay a subrogated property damage claim of Allstate Fire and Casualty Insurance Company, as subrogee of its insured, Margaret D. Rowles.

Date of Occurrence: September 11, 2018.  
Date Claim Filed: November 13, 2018.  
Date Action Commenced: August 21, 2019.  
Location: Intersection of Packard Road and Porter Road in the Town of Niagara, New York.  
Nature of Claim: Negligence claim against the City for a two-vehicle accident involving a DPW pickup truck. The Complaint seeks reimbursement of property damage to the insured vehicle, including interest, together with the insured's deductible and replacement car rental cost.  
City Driver: Brian L. Ray.  
Status of Action: Discovery has been completed and the case will proceed to trial if not settled.  
Recommendation/Reason: Best interest of City. The proposed settlement avoids the cost and uncertainty of a trial, including the risk that a verdict may exceed the proposed settlement.  
Amount to be Paid: \$1,033.80  
Check Writing Details: Make payable to "ALLSTATE A/S/O ROWLES," and reference claim # "0517021762.1".  
Conditions: Stipulation of Discontinuance as to the pending litigation (Index # CV-786-19) and fully executed General Release to City must be received and 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 \_\_\_\_