

January 14, 2021

The City Council  
Niagara Falls, New York

RE: Request for approval to settle and pay a subrogated property damage claim of ERIE INSURANCE COMPANY, as subrogee of its insureds, JAMES AND SHEILA EICHELBERGER.

Date of Occurrence: March 2, 2018.  
Date Claim Filed: April 19, 2018.  
Date Action Commenced: May 31, 2019.  
Location: Access-controlled parking lot behind the Public Safety Building at 1925 Main Street.  
Nature of Claim: Negligence claim against the City arising out of a DPW snow plow truck striking a parked vehicle insured by Erie Insurance Company. The Complaint seeks reimbursement of property damage to the insured vehicle, including interest, together with the insured's deductible.  
City Driver: James L. Bradley.  
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: \$3,500.00  
Check Writing Details: Make payable to "ERIE INSURANCE COMPANY A/S/O EICHELBERGER" and note "Index No.: E168941/2019".  
Conditions: Stipulation of Discontinuance as to the pending litigation 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 \_\_\_\_ Touma \_\_\_\_ Voccio \_\_\_\_ Tompkins \_\_\_\_