

June 18, 2021

The City Council
Niagara Falls, New York

RE: Request for approval to settle and pay property damage claim of FAMILY DOLLAR STORES OF NEW YORK, INC.

Date of Occurrence: March 29, 2016.
Date Claim Filed: May 11, 2016.
Date Action Commenced: April 17, 2017
Location: 1309 Pine Avenue, Family Dollar retail location.
Nature of Claim: Negligence claim against the City for a one vehicle accident involving a Police vehicle that left the road while responding to an emergency call, striking the Family Dollar store. The Complaint seeks reimbursement of property damage to equipment and store inventory, with a component claim of lost profits, as well as reimbursement for its workers' compensation payments to an employee.
City Driver: Christopher McKimmie.
Status of Action: Discovery is nearly complete and the case will proceed to trial if not settled.
Recommendation/Reason: Best interest of City. Settlement will avoid the cost and uncertainty of trial, including the risk that a verdict may ultimately exceed the proposed settlement amount.
Amount to be Paid: \$220,000.00
Check Writing Details: Make payable to "Family Dollar Stores of New York, Inc." and reference "Index No. E161325/2017"
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 ____ Soda ____ Spanbauer ____ Voccio ____ Tompkins ____