



City of Niagara Falls, New York

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

DEPARTMENT OF LAW

December 7, 2022

The City Council
Niagara Falls, New York

RE: Request for approval to settle and pay personal injury lawsuit of ALEJANDRINA TORRES-CUMMINGS.

Date of Occurrence: March 7, 2017
Date Claim Filed: May 15, 2017
Date Action Commenced: October 5, 2017
Nature of Claim: Motor vehicle accident
Location: Walnut Ave. and 19th Street intersection
City Driver: Kelly Rougeux
Status of Action: This case was tried in New York State Supreme Court and ended with a verdict against the Defendants on May 3, 2022, in the amount of \$1.4 million. Defendants thereafter filed an appeal.
Recommendation/Reason: Best interest of the City. Settlement will stop post-judgment interest from continuing to accrue at 9%, and avoid the cost of litigating an appeal that would last at least another year.
Amount to be Paid: \$1,300,000 payable in two installments (\$750,000 on or before December 31, 2022, and \$550,000 on or before March 31, 2023).
Check Writing Details: Make payable to "Alejandrina Torres-Cummings and Schiffmacher Cinelli Adoff, LLP, as attorneys"
Conditions: The Settlement Agreement hereby approved by the Council must be fully executed before the City Controller will be authorized to process the above two installment checks.

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

Respectfully submitted,

CHRISTOPHER M. MAZUR
Corporation Counsel

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