

February 10, 2022

The City Council  
Niagara Falls, New York

RE: Request for approval to settle and pay subrogated property damage claim of GEICO General Insurance Company as subrogee of its insured, Angelo Morinello.

Date of Occurrence: October 2, 2021  
Date Claim Filed by Insured: October 6, 2021  
Date Claim Filed by GEICO: December 20, 2021  
Date Action Commenced: None at this time.  
Location: Milled roadbed of 7<sup>th</sup> Street, directly north of Niagara Street.  
Nature of Claim: Angelo Morinello sustained property damage to his automobile on the Date of Occurrence as he drove across Niagara Street and started traveling north on 7<sup>th</sup>. The undercarriage of his vehicle struck a metal manhole projecting above the milled roadbed. He submitted his claim to his insurer, GEICO, which paid \$1,097.77 toward vehicle repairs. GEICO then commenced a subrogation claim against the City, seeking reimbursement based upon alleged negligent road maintenance.  
Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, who are in agreement that a reasonable settlement may be reached at this juncture that will avoid litigation costs and protect the City from legal action.  
Recommendation/Reason: Settlement will not constitute an admission of fault and is in the best interests of the City.  
Amount to be Paid: \$548.88  
Check Writing Details: Make settlement draft payable to "GEICO GENERAL INSURANCE COMPANY as subrogee of Angelo Morinello."  
Conditions: Prior to the City Controller issuing the settlement draft, a fully executed General Release must be received and approved by Corporation Counsel, and the payee must also submit its W-9 in a form acceptable to the Controller.

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

Respectfully submitted,

CHRISTOPHER M. MAZUR  
Corporation Counsel

**Bax \_\_\_\_\_ Myles \_\_\_\_\_ Tompkins \_\_\_\_\_ Zajac \_\_\_\_\_ Spanbauer (Chair) \_\_\_\_\_**