



City of Niagara Falls, New York

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

DEPARTMENT OF LAW

October 27, 2022

The City Council
Niagara Falls, New York

RE: Request for approval to reimburse our liability insured, New York Municipal Insurance Reciprocal (NYMIR), for a total of \$1,500.00, representing claimant deductibles that it paid relative to the following matters.

Claimant name	DOL	Deductibles paid by NYMIR to the subrogated insurer or its insured.	NYMIR Claim #
GEICO aso David Gray	3/18/21	\$500.00	CNIA-2021-007-001
Progressive aso James A. Powell	7/4/21	\$500.00	CNIA-2021-009-001
Progressive aso Jacqueline Rivera	7/17/21	\$500.00	CNIA-2021-012-001

Nature of Claims: All three of the above claimant insurers had insureds who suffered automobile property damage due to errors by City employees in 2021. Council previously approved reimbursing NYMIR for its payments to the three claimants based on their equitable subrogation rights, less \$500 per each due to lack of documentation concerning the claimants' rights to seek deductibles on behalf of the insureds. I am now satisfied that NYMIR's payment of the deductibles, totaling \$1,500.00, was proper.

Status of Action: N/A.

Recommendation/Reason: Upon proper documentation, the City is contractually obligated to reimburse NYMIR for claims that, as here, are within the City's deductible.

Amount to be Paid: \$1,500.00

Check Writing Details: Payable to "NEW YORK MUTUAL INSURANCE RECIPROCAL."

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

Respectfully submitted,

CHRISTOPHER M. MAZUR
Corporation Counsel

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