



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 settle and pay subrogated property damage claim of Merchants Preferred Insurance Co., as subrogee of its insured, Niagara Frontier Inspection Agency, LLC.

Date of Occurrence: November 20, 2016.
Date Claim Filed: January 18, 2017.
Date Action Commenced: February 16, 2018.
Location: 445 66th Street, City of Niagara Falls.
Nature of Claim: City tree located adjacent to the loss location dropped a large limb on a vehicle owned by Niagara Frontier Inspection Agency, LLC, and insured by Merchants Preferred Insurance Co. Merchants paid the LLC for the repair of the vehicle and subsequently initiated a subrogation action against the City in State Supreme Court. That action remains pending.
City Driver: N/A.
Status of Action: This matter has been fully investigated and at this juncture we are recommending the settlement outlined below. If not settled, the pending litigation will proceed to trial.
Recommendation/Reason: Best interest of the City.
Amount to be Paid: \$14,009.52
Check Writing Details: Make settlement draft payable to "Merchants Preferred Insurance Co., as subrogee of Niagara Frontier Inspection Agency, LLC."
Conditions: None. Acceptable closing documents have been provided to this Department, which we are holding in escrow pending Council's approval and payment of the settlement funds.

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) _____