



City of Niagara Falls, New York

DEPARTMENT OF LAW

March 30, 2023

The City Council
Niagara Falls, New York

RE: Request for approval to settle and pay a subrogated property damage claim of Progressive Advanced Insurance Co., as subrogee of its insured, Alejandrina Torres-Cummings.

Date of Occurrence: March 7, 2017
Date Claim Filed: May 5, 2017
Date Action Commenced: May 15, 2018
Location: Walnut Ave. and 19th Street intersection.
Nature of Claim: This is an insurer's property damage claim, called a subrogation action, arising out of a motor vehicle accident involving a police vehicle. The insurer paid to repair the auto damage sustained by their insured, Alejandrina Torres-Cummings. You will recall the insured's name from the personal injury case that resulted in a significant verdict against the City and an appeal, which the Council agreed to settle last December.
City Driver: Kelly Rougeux
Status of Action: If this case is not settled, the matter will be placed on the trial calendar, and it is likely that Progressive will move for and be granted a finding of liability against the City based on the jury's finding of liability in the earlier personal injury trial.
Recommendation/Reason: Best interest of the City - settlement avoids the cost of a trial and the settlement amount represents a slight saving to us.
Amount to be Paid: \$6,306.21
Check Writing Details: Make payable to "Feldman & Feldman, LLP, as attorneys for Progressive Advanced Ins. Co. A/S/O Torres-Cummings," and reference file # P29216.
Conditions: None. Appropriate Stipulation of Discontinuance and fully executed General Release have been provided.

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

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