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Subrogation Department Settles Water Main Break Case

Ben Staherski, a partner in the Subrogation Department, recently pursued subrogation against the City of New York to recover losses arising from a water main break. The water main at issue was cast iron and installed in 1922. The City required that there be at least 6-12 inches of clearance between its water mains and other utilities. The City argued that the break occurred because the Mass Transit Authority (MTA) installed its' duct bank too close to the a City's water main. However, discovery revealed that the MTA installed its' duct bank in 1919, *before* the City installed its water main. Turning the City's liability defense to the subrogating insurer's advantage, Ben argued that the City was liable because it failed to comply with its own clearance requirements, causing the water main to come into close proximity to the duct bank. The case resulted in a six figure settlement after discovery but prior to trial.

