

## City of Newark

City Hall 920 Broad Street Newark, New Jersey 07102

### Legislation Details (With Text)

File #: 16-1538 Version: 1 Name: Civil Litigation Settlement - Zdenka Simkova

Type:ResolutionStatus:AdoptedFile created:9/30/2016In control:Law

On agenda: 12/7/2016 Final action: 12/7/2016

Title: Dept/ Agency: Law

Action: ( ) Ratifying (X) Authorizing ( ) Amending

Purpose: Settlement of Civil Litigation Docket No.: 13-cv-1264 (KSH)

Claimant: Zdenka Simkova

Claimant's Attorney: Fishbeyn & Briskin, LLC.

Attorney's Address: PO Box 489, Hillsdale, New Jersey 07642

Settlement Amount: \$80,000.00 Funding Source: Insurance Trust Fund

**Additional Comments:** 

Invitation: Corporation Counsel, December 6, 2016

Sponsors: Council of the Whole

Indexes:

#### **Code sections:**

Date	Ver.	Action By	Action	Result
12/7/2016	1	Municipal Council	Adopt	Pass

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**WHEREAS**, Plaintiff, Zdenka Simkova, instituted a suit in the United States District Court, District of New Jersey, captioned <u>Simkova v. City of Newark et al.</u>, Docket No. 13-cv-1264 (KSH), in which the plaintiff sought recovery for damages allegedly sustained on November 23, 2007, as a result of the actions of the City of Newark and its employees; and

**WHEREAS**, a settlement proposal has been made to resolve this litigation in its entirety by payment in the total amount of Eighty Thousand Dollars and Zero Cents (\$80,000.00) ("Settlement Sum"); and

**WHEREAS**, the Corporation Counsel based upon all facts and circumstances presented, deems it in the best interest of the City of Newark to resolve said matter by payment of the proposed

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Settlement Sum.

# NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

- The Corporation Counsel is hereby authorized on behalf of the City of Newark to execute and accept the terms of the Settlement Agreement and Release, attached hereto.
- 2. Upon receipt by the Corporation Counsel of all documents deemed necessary, the Director of Finance is hereby authorized and directed to issue payment in the amount of \$80,000.00 (Eighty Thousand Dollars and Zero Cents), which payment will be made jointly payable to "Zdenka Simkova and Fishbeyn & Briskin, LLC" and which payment will be mailed to Peter E. Briskin, Esq., P.O. Box 489, Hillsdale, New Jersey 07642.
- 3. Annexed hereto is the Certification of Funds issued by the Director of Finance, City of Newark, which states that there are available sufficient legally-appropriate funds from Business Unit NW025, Dept. ID 25T, Div./Project 5T25 and Account #96320, in the amount of \$80,000.00 (Eighty Thousand Dollars and Zero Cents), for the purpose set forth herein.
- 4. A copy of the Comptroller's Certification shall be filed in the Office of the City Clerk along with this resolution by the Corporation Counsel.
- 5. The Corporation Counsel shall file a fully executed copy of the Settlement Agreement in the Office of the City Clerk.
- 6. This resolution shall be effective upon adoption in accordance with applicable State Law.

#### **STATEMENT**

This Resolution authorizes the Corporation Counsel, on behalf of the City of Newark, to enter into a Settlement Agreement and Release to settle civil litigation captioned <u>Simkova v. City of Newark et al.</u>, Docket No. 13-cv-1264 (KSH), in the amount of \$80,000.00 (Eighty Thousand Dollars and Zero Cents) in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.