



Legislation Details (With Text)

**File #:** 12-1273      **Version:** 1      **Name:** Settlement Agreement and Release - Lite DePalma Greenberg & Rivas, LLC  
**Type:** Resolution      **Status:** Filed  
**File created:** 5/30/2012      **In control:** Law  
**On agenda:** 11/20/2012      **Final action:** 12/5/2012

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Professional Services Contract/Settlement  
Purpose: To settle payment of outstanding legal fees for special litigation matters  
Entity Name: Lite DePalma Greenberg & Rivas, LLC  
Entity Address: Two Gateway Center, 12th Floor, Newark, New Jersey 07102  
Contract Amount: \$30,108.82  
Funding Source: NEDC Trust Fund  
Contract Period: January 1, 2009 through December 31, 2009  
Contract Basis: ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient (x) n/a  
Additional Information:  
No Action Taken, November 20, 2012

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/5/2012	1	Municipal Council	Adopt	Pass
11/20/2012	1	Municipal Council	no action taken	

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**WHEREAS,** the Department of Law was in need of legal services for special litigation matters, including with regard to a dispute between the City of Newark and the Newark Economic Development Corporation (NEDC), concerning the disposition of certain assets; and

**WHEREAS**, the City of Newark entered into a legal service agreement with Lite DePalma Greenberg & Rivas, LLC, Two Gateway Center, 12<sup>th</sup> Floor, Newark, New Jersey 07102, approved by Resolution 7R7-e, dated March 4, 2009, for a term of one (1) year from January 1, 2009 through December 31, 2009, for the sum of \$100,000.00, of which the contract amount was increased by \$55,000.00 by Resolution 7R7-d(S), dated January 26, 2010, for a total contract amount of \$155,000.00; and

**WHEREAS**, Lite DePalma Greenberg & Rivas, LLC, provided additional and necessary legal services related to the dispute between the City of Newark and NEDC, during the same contract term, of which \$30,108.82 remains outstanding and unpaid; and

**WHEREAS**, the Corporation Counsel of the City of Newark has confirmed that the City received the benefit of those services; and

**WHEREAS**, Lite DePalma Greenberg & Rivas, LLC, has submitted invoices and statements of account supporting those charges; and

**WHEREAS**, the Director of the Department of Finance has certified that there are adequate, appropriated monies available to pay the outstanding balance due from the trust account held by the City of Newark, which contains monies obtained in a settlement with NEDC; and

**WHEREAS**, the parties have agreed to settle the matter for payment by the City of Newark in the one lump sum of Thirty Thousand One Hundred Eight Dollars and Eighty-Two Cents (\$30,108.82), in exchange for the execution of a Settlement Agreement and General Release as a full and complete settlement of all matters with Lite DePalma Greenberg & Rivas, LLC claims, including any claims for attorney's fees; and

**WHEREAS**, the within Settlement and Release does not admit, nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of counsel and to eliminate all risks and future litigation costs; and

**WHEREAS**, the City has determined that it is in the best interest of the taxpayers to avoid the cost, expense, delay and uncertainty of litigation, if this matter proceeded to litigation.

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

1. The Mayor and/or his designee, the Corporation Counsel is hereby authorized on behalf of the City of Newark to negotiate and execute a Settlement Agreement and Release and any other documents, sufficient in form and content to Corporation Counsel and to take whatever actions are necessary to effectuate the terms of the within resolution and settlement of this matter pursuant to the terms contained within this resolution.
2. The Municipal Council of the City of Newark hereby authorizes payment by check made payable to Lite DePalma Greenberg & Rivas, LLC, in the amount of Thirty Thousand One Hundred Eight Dollars and Eighty-Two Cents (\$30,108.82), which the check shall be mailed to: Two Gateway Center, 12<sup>th</sup> Floor, Newark, New Jersey 07102, as consideration of and pursuant to the terms and conditions contained in the Settlement

Agreement and Release annexed hereto.

3. In exchange for execution of the Settlement Agreement and Release by Lite DePalma Greenberg & Rivas, LLC, acceptable in form to Corporation Counsel and after passage of this resolution and upon receipt by Corporation Counsel and the Director of Finance of any and all other documents deemed necessary, the Director of Finance of the City of Newark is hereby authorized to issue a check made payable to Lite DePalma Greenberg & Rivas, LLC, in the amount of Thirty Thousand One Hundred Eight Dollars and Eighty-Two Cents (\$30,108.82).
4. The within settlement and resolution does not admit nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of counsel and to eliminate all risks and future litigation costs.
5. Attached hereto is a certification of funds issued by the Director of Finance of the City of Newark, which states that there are available sufficient, legally appropriated funds of Thirty Thousand One Hundred Eight Dollars and Eighty-Two Cents (\$30,108.82), for the purposes set forth hereinabove. A copy of the certification of funds issued shall be filed in the Office of the City Clerk together with this resolution by the Corporation Counsel.
6. A fully executed copy of the Settlement Agreement and Release shall be filed in the Office of the City Clerk by the Corporation Counsel.
7. This resolution shall be effective upon adoption in accordance with applicable State law.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Corporation Counsel to enter into and execute a Settlement Agreement and Release of a demand for payment from Lite DePalma Greenberg & Rivas, LLC, Two Gateway Center, 12<sup>th</sup> Floor, Newark, New Jersey 07102, who provided additional and necessary special litigation legal services related to the dispute between the City of Newark and NEDC in the amount of Thirty Thousand One Hundred Eight Dollars and Eighty-Two Cents (\$30,108.82).