



Legislation Details (With Text)

File #: 12-1022 **Version:** 1 **Name:** Settlement - Silva, Paula - Litigation
Type: Resolution **Status:** Filed
File created: 4/24/2012 **In control:** Law
On agenda: 7/3/2012 **Final action:** 7/3/2012
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-3409-09
Claimant: Paula Silva
Claimant's Attorney: Darren Barreiro, Greenbaum, Rowe, Smith & Davis, LLP
Attorney's Address: Metro Corporate Campus One, P.O. Box 5600, Woodbridge, NJ 07095
Settlement Amount: \$60,000.00
Funding Source: 025- 25T-5T25-96320
Additional Comments:

Invitation: Corporation Counsel (date to be entered by Clerk's Office)
Invitation: Corporation Counsel, July 2, 2012

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
7/3/2012	1	Municipal Council	Adopt	Pass

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WHEREAS, suit was instituted in the Superior Court of New Jersey, Law Division, bearing Docket Number ESX-L-3409-09, seeking damages for personal injuries suffered by the Plaintiff, Paula Silva, on September 26, 2008, when she slipped and fell on the sidewalk and/or property adjacent to 266 Ferry Street, Newark, New Jersey; and

WHEREAS, a proposal has been made to resolve said litigation by payment from the City of Newark to the Plaintiff in the total amount of \$60,000.00 (Sixty Thousand Dollars), less all applicable

ordinary withholdings and deductions; and

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

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

1. 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. The Director of Finance is hereby authorized and directed to issue a check in the amount of \$60,000.00 (Sixty Thousand Dollars), made payable to "Paula Silva" and her attorney, Darren Barreiro, "Greenbaum, Rowe, Smith & Davis, LLP," and which will be mailed to Metro Corporate Campus One, P.O. BOX 5600, Woodbridge, NJ 07095, upon notification by Corporation Counsel that she has received all documents deemed necessary to effectuate this settlement.

3. Annexed hereto is the Certification of the Funds issued by the Director of Finance of the City of Newark, which states that there are available sufficient legally appropriated funds in the amount of \$60,000.00, for the purposes set forth herein. 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.

4. A fully executed copy of the Settlement Agreement shall be filed in the Office of the City Clerk by the Corporation Counsel.

STATEMENT

This Resolution authorizes the Corporation Counsel on behalf of the City of Newark to enter into a Settlement Agreement and Release in order to settle that certain civil litigation captioned as Paula Silva, et al., Docket No. ESX-L-3409-09, in the amount of \$60,000.00 (Sixty Thousand Dollars), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its agents and a complete release.