



Legislation Details (With Text)

File #: 17-2212 **Version:** 1 **Name:** Butler - Civil Settlement
Type: Resolution **Status:** Adopted
File created: 12/20/2017 **In control:** Law
On agenda: 3/21/2018 **Final action:** 3/27/2018
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: 16-cv-04942 (JLL-SCM)
Claimant: Rayvin Butler
Claimant's Attorney: Meyerson & O'Neill
Attorney's Address: 1700 Market Street, Suite 3025, Philadelphia, Pennsylvania, 19103
Settlement Amount: \$45,000.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Acting Corporation Counsel
Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|-----------------|--------|
| 3/27/2018 | 1 | Municipal Council | Adopt | Pass |
| 3/21/2018 | 1 | Municipal Council | No Action Taken | |

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WHEREAS, Plaintiff, Rayvin Butler, instituted a suit captioned Rayvin Butler (as Administrator ad Prosequendum on behalf of decedent and as general administrator of the intestate estate of decedent Tyree Crawford Jr.) v. Barry Baker et al., United States District Court, District of New Jersey, Docket 16-cv-04942 (JLL-SCM), in which the plaintiff sought recovery for damages allegedly sustained on September 1, 2015, 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 \$45,000.00 (Forty-Five Thousand Dollars and Zero Cents) ("Settlement Sum"); and

WHEREAS, the Acting 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 Settlement Sum.

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

1. The Acting 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 Acting Corporation Counsel of all documents deemed necessary, the Director of Finance is hereby authorized and directed to issue payment to Plaintiff the sum of \$45,000.00 (Forty-Five Thousand Dollars and Zero Cents), which payment will be made jointly payable to "Meyerson & O'Neill and Rayvin Butler, Administrator ad Prosequendum of the estate of Tyree Crawford Jr." and which payment will be mailed to James A. Wells, Esq., Meyerson & O'Neill, 1700 Market Street, Suite 3025, Philadelphia, Pennsylvania, 19103.
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 in the amount of \$45,000.00 (Forty-Five 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 Acting Corporation Counsel.
5. The Acting 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 Acting Corporation Counsel, on behalf of the City of Newark, to enter into a Settlement Agreement and Release to settle civil litigation captioned Rayvin Butler (as Administrator ad Prosequendum on behalf of decedent and as general administrator of the intestate estate of decedent Tyree Crawford Jr.) v. Barry Baker et al., United States District Court, District of New Jersey, Docket 16-cv-04942 (JLL-SCM), in the amount of \$45,000.00 (Forty-Five 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.