



## Legislation Details (With Text)

**File #:** 13-2262      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Filed  
**File created:** 11/27/2013      **In control:** Law  
**On agenda:** 12/18/2013      **Final action:** 12/18/2013

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Civil Litigation  
Docket No.: ESX-L-1399-12  
Claimant: Juan Torres  
Claimant's Attorney: Richard Panitch  
Attorney's Address: 1107 Convery Boulevard, Rte. 35 South, Perth Amboy, New Jersey 08861  
Settlement Amount: \$60,000.00  
Funding Source: Insurance Trust Fund  
Additional Comments:

Invitation: Corporation Counsel, December 17, 2013

**Sponsors:**

**Indexes:**

**Code sections:**

| Date       | Ver. | Action By         | Action | Result |
|------------|------|-------------------|--------|--------|
| 12/18/2013 | 1    | Municipal Council | Adopt  | Pass   |

**Dept/ Agency:** Law

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**Claimant's Attorney:** Richard Panitch

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**WHEREAS**, a suit was instituted in the Superior Court of New Jersey, Law Division, Essex County, captioned Juan Torres v. City of Newark, Superior Court of New Jersey, Docket Number: ESX-L-1399-12, in which the plaintiff sought recovery for personal injuries; and

**WHEREAS**, it has been determined that plaintiff was injured and a proposal has been made to resolve this litigation by payment in the total amount of \$60,000.00 (Sixty Thousand Dollars); and

**WHEREAS**, the Corporation Counsel based upon all facts and circumstances deems it 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. Upon receipt by the Corporation Counsel of all documents deemed necessary, the Director of Finance is hereby authorized and directed to issue one check in the amount of \$60,000.00 (Sixty Thousand Dollars), which payment shall be made payable to "The Trust Account of Nash & Tobias, LLC" and payment will be mailed to Richard S. Panitch, Esq., 1107 Convery Boulevard, Route 35 South, Perth Amboy, New Jersey, 08861.

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-appropriated funds from Fund 025 Agency 25T Orgn 5T25 Object 96320 in the amount of \$60,000.00 (Sixty Thousand Dollars), for the purpose 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.

5. 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 Juan Torres v. City of Newark, Superior Court of New Jersey, Docket Number: ESX-L-1399-12, in the amount of \$60,000.00, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark, and a complete release.