



Legislation Details (With Text)

File #: 23-0815 **Version:** 1 **Name:** Resolution: Pre-Litigation Settlement of Civil Claim
Type: Resolution **Status:** Adopted
File created: 5/23/2023 **In control:** Law
On agenda: 6/7/2023 **Final action:** 6/7/2023

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Pre-Litigation Settlement of Civil Claim
Docket No.: Not Applicable
Claimant: Pashman Stein Walder Hayden, PC
21 Main Street, Suite 200, Hackensack, New Jersey 07601
Settlement Amount: \$285,681.82
Funding Source: Insurance Trust Fund and Department of Water and Sewer Utilities
Additional Comments:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
6/7/2023	1	Municipal Council	Adopt	Pass

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21 Main Street, Suite 200, Hackensack, New Jersey 07601

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Funding Source: Insurance Trust Fund and Department of Water and Sewer Utilities

Additional Comments:

WHEREAS, from October 2020 through December 31, 2022, the City of Newark (the "City") utilized the legal services of Pashman Stein Walder Hayden, PC; and

WHEREAS, a settlement proposal has been made to resolve this pre-litigation matter in its entirety by payment in the total amount of Two Hundred Eighty-Five Thousand Six Hundred Eighty-One Dollars and Sixty-Two Cents (\$285,681.62) ("Settlement Sum") and execution of a Settlement Agreement and Release; and

WHEREAS, to avoid the costly expense of litigation, the Parties and the City's Corporation Counsel desire to amicably resolve this matter with payment by the City of the Settlement Sum, in exchange for Plaintiff's execution of the Settlement Agreement and Release (attached) as a full and complete release of the matter; and

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

Settlement Sum and execution of the Settlement Agreement and Release.

NOW, THEREFORE, BE IT RESOLVED BY 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 enter into, 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 the Department of Finance is hereby authorized and directed to issue payment in the amount of Two Hundred Eighty-Five Thousand Six Hundred Eighty-One Dollars and Sixty-Two Cents (\$285,681.62), which payment will be made payable to: Pashman Stein Walder Hayden and mailed to: 21 Main Street, Suite 200, Hackensack, New Jersey 07601.
3. Annexed hereto is the Certification of Funds issued by the Director of the Department of Finance, which states that there are available sufficient legally-appropriate funds from Business Unit NW025, Dept. ID 25T, Division/Project 5T25 and Account #96320, in the amount of One Hundred Sixty-One Thousand Three Hundred Fifty-Nine Dollars and Ninety-Seven Cents (\$161,359.97) and NW037, Dept. 755, Division/Project 7552 and Account #71260, in the amount of One Hundred Twenty-Four Thousand Three Hundred Twenty-One Dollars and Sixty-Five Cents (\$124,321.65) 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 Corporation Counsel.
5. The Corporation Counsel shall file a fully executed copy of the Settlement Agreement and Release in the Office of the City Clerk.
6. This Resolution shall be effective upon adoption in accordance with applicable State Law.
7. The Settlement Agreement and Release 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 the Corporation Counsel and to eliminate all risks and future litigation costs.

STATEMENT

This Resolution authorizes the Corporation Counsel on behalf of the City of Newark to enter into and execute a Settlement Agreement and Release to settle the civil claim between the Parties pertaining to October 1, 2020 through December 31, 2022, in the amount of \$285,681.62, in exchange for Claimant's dismissal of any and all claims against the City of Newark and its employees, and a complete release.