



Legislation Details (With Text)

File #: 17-2109 **Version:** 1 **Name:** Settlement - Forest Lodge
Type: Resolution **Status:** Adopted
File created: 12/5/2017 **In control:** Law
On agenda: 12/27/2017 **Final action:** 12/27/2017
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: SOM-L-596-17
Claimant: Forest Lodge, LLC.
Claimant's Attorney: Orloff, Lowenbach, Stifelman, & Seigel, P.A.
Attorney's Address: 101 Eisenhower Parkway, Suite 400, Roseland, New Jersey 07068-1097
Settlement Amount: \$96,665.27
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel, December 27, 2017
Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/27/2017	1	Municipal Council	Adopt	Pass

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WHEREAS, Plaintiff, Forest Lodge, LLC, instituted a suit in the Somerset County Superior Court, captioned Forest Lodge, LLC v. City of Newark, Docket No. SOM-596-17, in which the Plaintiff sought recovery for damages allegedly sustained on or about July 9, 2016, as a result of the alleged actions of the City of Newark; and

WHEREAS, a settlement proposal, in the form of a Settlement Agreement and Release, has been made to resolve this litigation in its entirety by payment in the total amount of Ninety-Six Thousand Six Hundred Sixty-Five Dollars and Twenty-Seven Cents (\$96,665.27) ("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 executing the Settlement Agreement and Release and by payment of the proposed Settlement Sum.

NOW, THEREFORE, BE IT RESOLVED BY 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 in the amount of \$96,665.27 (Ninety-Six Thousand Six Hundred Sixty-Five Dollars and Twenty-Seven Cents), which payment will be made jointly payable to the Orloff, Lowenbach, Stifelman, & Seigel, P.A., Attorney Trust Account for the Benefit of Forest Lodge, LLC and which payment will be mailed to Orloff, Lowenbach, Stifelman, & Seigel, P.A., 101 Eisenhower Parkway, Suite 400, Roseland, New Jersey 07068.
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 Business Unit NW025, Dept. ID 25T, Division. Div./Proj. 7T25 and Account #96340, in the amount of Ninety-Six Thousand Six Hundred Sixty-Five Dollars and Twenty-Seven Cents (\$96,665.27) 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 and Release 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 Forest Lodge, LLC v. City of Newark, Docket No. SOM-596-17, in the amount of Ninety-Six Thousand Six Hundred Sixty-Five Dollars and Twenty-Seven Cents (\$96,665.27), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.