



## Legislation Details (With Text)

**File #:** 12-2156      **Version:** 2      **Name:** Settlement of Samaritano litigation  
**Type:** Resolution      **Status:** Filed  
**File created:** 11/6/2012      **In control:** Law  
**On agenda:** 12/19/2012      **Final action:** 12/19/2012  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Civil Litigation  
Docket No.: ESX-L-5533-10  
Claimant: Anita Samaritano, Administrator Ad Prosequendum and General Administrator of the Estate of Jason Samaritano, Charles Samaritano, Administrator ad Prosequendum, and Anita Samaritano, individually  
Claimant's Attorney: Ashton E. Thomas, Esq.  
Attorney's Address: 1209 East Grand Street, Suite 201, Elizabeth, New Jersey 07201  
Settlement Amount: \$45,000  
Funding Source: City of Newark/General Liability/Personal Injury  
Additional Comments:  
Invitation: Corporation Counsel, December 18, 2012

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/19/2012	2	Municipal Council	Adopt	Pass

**Dept/ Agency:** Law

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**WHEREAS**, a suit was instituted in the Superior Court of New Jersey, Essex County captioned Estate of Jason Samaritano v. City of Newark et al., Docket # ESX-L-5533-10, in which the plaintiffs sought recovery for damages for personal injuries allegedly sustained on September 28, 2008, as a result of the alleged negligence of City of Newark employees; and

**WHEREAS**, a 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

**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 a check in the amount \$45,000.00 (Forty-Five Thousand Dollars), which payment will be made payable to "Anita Samaritano, Charles Samaritano, and Ashton E. Thomas, Esq." and which payment will be mailed to 1209 East Grand Street, Suite 201, Elizabeth, New Jersey 07201.

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, Organization 5T25, and Object 96320, in the amount \$45,000.00 (Forty-Five Thousand Dollars), 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 Corporation Counsel.

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

6. 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 Estate of Jason Samaritano v. City of Newark et al., Docket # ESX-L-5533-10, in the amount of \$45,000.00, in exchange for Plaintiffs' dismissal of any and all claims, costs and fees against the City of Newark and its employees, and a complete release.