



Legislation Details (With Text)

**File #:** 24-0900      **Version:** 1      **Name:** Resolution: Pre-Litigation Settlement - LDV, Inc  
**Type:** Resolution      **Status:** Adopted  
**File created:** 6/20/2024      **In control:** Law  
**On agenda:** 7/10/2024      **Final action:** 7/10/2024

**Title:** Dept/ Agency: Law  
Action: (X) Ratifying    (X) Authorizing    ( ) Amending  
Purpose: Pre-Litigation Settlement  
Docket No.: Not Applicable  
Claimant: Not Applicable  
Claimant's Attorney: Not Applicable  
Settlement Amount: \$96,314.00  
Funding Source: 2023 Budget/Department of Health and Community Wellness/Business Unit:  
NW026, Account #46545, Budget Ref: B2024  
Additional Comments:  
This Settlement Agreement resolves all outstanding invoices for LDV, Inc., for an additional cost for modifications to the original build of three (3) mobile medical units and one (1) mobile dental unit to facilitate clinic practice efficiency.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
7/10/2024	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Law  
**Action:** (X) Ratifying    (X) Authorizing    ( ) Amending  
**Purpose:** Pre-Litigation Settlement  
**Docket No.:** Not Applicable  
**Claimant:** Not Applicable  
**Claimant's Attorney:** Not Applicable  
**Settlement Amount:** \$96,314.00  
**Funding Source:** 2023 Budget/Department of Health and Community Wellness/Business Unit:  
NW026, Account #46545, Budget Ref: B2024  
**Additional Comments:**  
This Settlement Agreement resolves all outstanding invoices for LDV, Inc., for an additional cost for modifications to the original build of three (3) mobile medical units and one (1) mobile dental unit to facilitate clinic practice efficiency.

**WHEREAS,** the City of Newark's (herein after the "City") Department of Health and Community Wellness (DHCW) provides primary medical and dental health services to Newark residents; and

**WHEREAS,** the DHCW purchased three (3) mobile medical units and one (1) mobile dental unit pursuant to Resolution 7R1-f adopted on December 15, 2021 and Resolution 7R1-c adopted on December 15, 2021 from LDV, Inc.; and

**WHEREAS**, LDV, Inc.'s State Contract terminated on June 27, 2022; and

**WHEREAS**, after the State Contract expired, DHCW required modifications to the original build of the mobile medical units and the mobile dental unit; and

**WHEREAS**, LDV, Inc. completed the required modifications and submitted invoices in the amount of Ninety-Six Thousand Three Hundred Fourteen Dollars and Zero Cents (\$96,314.00); and

**WHEREAS**, the Director of the DHCW confirmed that the modifications were completed and is requesting the outstanding amount be paid by settlement (Memorandum to Corporation Counsel, attached hereto and made a part of); and

**WHEREAS**, to avoid the costly expense of litigation LDV, Inc. and the City's Corporation Counsel (the "Parties") desire to amicably resolve this matter with payment by the City in exchange for LDV, Inc.'s execution of the Settlement Agreement and General Release, as a full and complete release of the Claim, including any claims for attorney's fees; and

**WHEREAS**, the Corporation Counsel, based upon all facts and circumstances surrounding the matter, deems it is in the best interest of the City to resolve this matter by payment in the amount set forth above.

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

1. The Mayor of the City of Newark ("City") and/or his designee, the Corporation Counsel, are hereby authorized on behalf of the City of Newark, to enter into, execute and accept the terms of the Settlement Agreement and Release (the "Agreement") between the City and LDV, Inc., 180 Industrial Drive, Burlington, Wisconsin 53105.

2. Pursuant to the Settlement Agreement and Release, the City shall pay LDV, Inc., the settlement sum of Ninety-Six Thousand Three Hundred Fourteen Dollars and Zero Cents (\$96,314.00), to be paid, via check made payable to LDV, Inc., for providing modifications to the original build of the three (3) mobile medical units and one (1) mobile dental unit.

3. Attached hereto is a Certification of Funds - Business Unit NW026, Account# 46545, Budget Ref: B2024; which encumbers the funds for the purpose set forth hereinabove. The Director of the Department of Finance is hereby authorized and directed to issue a check in the amount \$96,314.00, made payable to: LDV, Inc., 180 Industrial Drive, Burlington, Wisconsin 53105, upon receipt by the Corporation Counsel of all settlement documents deemed necessary.

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. 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 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 Mayor of the City of Newark, and/or his designee, the Corporation Counsel, to enter into a Settlement Agreement and Release to settle a claim with LDV, Inc., 180 Industrial Drive, Burlington, Wisconsin 53105, in the amount of Ninety-Six Three Thousand Three Hundred Fourteen Dollars and Zero Cents (\$96,314.00), in exchange for dismissal of any and all claims against the City of Newark and its employees and a complete release by LDV, Inc.