



Legislation Details (With Text)

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File created: 2/21/2013 **In control:** Law
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Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Payment of legal fees incurred in defense of City of Newark
Docket No.: Pre-Litigation
Claimant: Gibbons P.C.
Claimant's Attorney: N/A
Attorney's Address: One Gateway Center, Newark, New Jersey 07102-5310
Payment Amount: \$85,263.91
Funding Source: Insurance Trust Fund
Additional Information: Matter of Avis Budget Group, Inc. v. City of Newark
Invitation: Corporation Counsel, March 19, 2013

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/20/2013	1	Municipal Council	Adopt	Pass

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WHEREAS, the Law Firm of Gibbons, P.C., (hereinafter "Gibbons") provided legal services to the City of Newark for special litigation matters; and

WHEREAS, Gibbons presented certain legal bills for payment (i.e. Bill Numbers 1297568, 1300149, 1303197, 1304594, 1318469, 1322499 and 1326069); and

WHEREAS, Gibbons, performed said work and is seeking compensation that is due and owing for the work performed; and

WHEREAS, the Corporation Counsel, based upon all the facts and circumstances surrounding the matter, deems it in the best interest of the City of Newark to pay the above referenced costs in

the total amount of Eighty Five Thousand, Two Hundred Sixty-Three Dollars and Ninety-One Cents (\$85,263.91).

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 to effectuate the settlement of this matter by executing the Settlement Agreement and General Release and to take such further actions as deemed necessary by her to effectuate settlement of this matter for the total amount of Eighty Five Thousand, Two Hundred Sixty-Three Dollars and Ninety-One Cents (\$85,263.91).
2. The Municipal Council of the City of Newark hereby authorizes the payment by check made payable to Gibbons, P.C., in the amount of Eighty Five Thousand, Two Hundred Sixty-Three Dollars and Ninety-One Cents (\$85,263.91), (hereinafter the "Settlement Sum") as consideration for and pursuant to the terms and conditions contained in the Settlement Agreement and Release annexed hereto.
3. In exchange for Gibbons' execution of the Settlement Agreement and Release, acceptable in form to the Corporation Counsel and after passage of this Resolution and upon receipt of all supporting documents by the Corporation Counsel, the Director of Finance is hereby authorized and directed to issue a check in the amount of Eighty Five Thousand, Two Hundred Sixty-Three Dollars and Ninety-One Cents (\$85,263.91), made payable to Gibbons, PC, 1 Gateway Center, Newark, New Jersey 07102-5310.
4. Attached hereto is the Certification of the Comptroller of the City of Newark which states that there are available sufficient legally appropriated funds from Insurance Trust Fund 025, Department 25T, Agency 7T25 and Object 96340, for the purpose set forth hereinabove.
5. A fully executed copy of the Comptroller's Certification, Resolution, and Settlement Agreement and General Release 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 effectuate the settlement of a demand for payment of legal services from Gibbon, P.C., in the amount of Eighty Five Thousand, Two Hundred Sixty-Three Dollars and Ninety-One Cents (\$85,263.91), in exchange for the execution of a Settlement Agreement and Release.