



## Legislation Details (With Text)

**File #:** 12-1426      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Filed  
**File created:**      **In control:** Law  
**On agenda:** 8/1/2012      **Final action:** 8/1/2012  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Civil Litigation  
Docket No.: ESX-L-2946-11  
Claimant: Guardian Fence Co., Inc.  
Claimant's Attorney: Francis J. Panzini-Romeo, Esq.  
Attorney's Address: Falkin & Panzini-Romeo, LLC, 30A Vreeland Road, Suite 100, Florham Park, New Jersey 07932  
Settlement Amount: \$41,278.00  
Funding Source: City of Newark  
Additional Comments:  
Invitation: Corporation Counsel, July 31, 2012 (date to be entered by Clerk's Office)

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
8/1/2012	1	Municipal Council	Adopt	Pass

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**WHEREAS**, a suit was instituted in the Superior Court of New Jersey, Law Division, Essex County, captioned Guardian Fence Co., Inc. v. City of Newark, Superior Court of New Jersey, Docket Number: ESX-L-2946-11, in which the plaintiff sought recovery for non-payment of services rendered under contract; and

**WHEREAS**, it has been determined that plaintiff rendered certain services and was not paid and a proposal has been made to resolve this litigation by payment in the total amount of \$41,278.00 (Forty-One Thousand Two Hundred and Seventy-Eight 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 of \$41,278.00 (Forty-One Thousand Two Hundred and Seventy-Eight Dollars), made payable to "Guardian Fence Co., Inc. and Frances J. Panzini-Romeo, Esq.," which will be mailed to Falkin & Panzini-Romeo LLC, 30A Vreeland Road, Suite 100, Florham Park, New Jersey 07932.

3. Annexed hereto is the Certification of Funds the Comptroller of the City of Newark issued by the Director of Finance, which states that there are available sufficient legally appropriated funds from Fund 0112102101, A-95220 in the amount of \$41,278.00 (Forty-One Thousand Two Hundred and Seventy-Eight Dollars), for the purpose set forth herein

4. A fully executed copy of the Settlement Agreement, the Comptroller's Certification, and the Resolution shall be filed in the Office of the City Clerk by the Corporation Counsel.

#### **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 Guardian Fence Co., Inc. v. City of Newark, Superior Court of New Jersey, Docket Number: ESX-L-2946-11, in the amount of \$41,278.00, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark.