



Legislation Details (With Text)

File #: 18-0524 **Version:** 1 **Name:** Mary Braneck v. City of Newark - Civil Litigation Settlement

Type: Resolution **Status:** Adopted

File created: 4/11/2018 **In control:** Law

On agenda: 5/23/2018 **Final action:** 5/23/2018

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-003882-16
Claimant: Mary Braneck
Claimant's Attorney: James Merendino, Esq.
Attorney's Address: Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, P.C., 505 Morris Avenue, Second Floor, Springfield, New Jersey 07081
Settlement Amount: \$55,000.00
Funding Source: Insurance Trust Fund
Additional Comments:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/23/2018	1	Municipal Council	Adopt	Pass

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WHEREAS, Plaintiff Mary Braneck instituted a suit in the Superior Court of New Jersey, captioned Mary Braneck v. City of Newark, Docket No. ESX-L-003882-16, in which the plaintiff sought recovery for damages allegedly sustained on June 18, 2015, as a result of the alleged actions and omissions of City of Newark agents; and

WHEREAS, a settlement proposal has been made to resolve this litigation in its entirety through the execution of a Settlement Agreement and Release and by payment in the total amount of Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00) ("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 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 \$55,000.00 (Fifty-Five Thousand Dollars and Zero Cents), which payment will be made jointly payable to "Mary Braneck and Javerbaum Wurgaft Hicks Kahn Wickstrom and Sinins, P.C." and mailed to Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, P.C., 505 Morris Avenue, Second Floor, Springfield, New Jersey 07081.
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, Div./Proj. 5T25 and Account #96320, in the amount of Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00) 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 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 Mary Braneck v. City of Newark, Docket No. ESX-L-003882-16, in the amount of Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.