



Legislation Text

File #: 15-2410, Version: 1

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Purpose: Settlement of Civil Litigation

Docket No.: ESX-L-4726-14

Claimant: Thomas Murray

Claimant's Attorney: John P. Dell'Italia, Esquire,

Attorney's Address: Dell'Italia, Affinito & Santola, 18 Tony Galento Plaza, Orange, New Jersey 07050

Settlement Amount: \$95,000.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel, March 15, 2016

WHEREAS, Plaintiff, Thomas Murry, instituted a suit in the Superior Court of New Jersey, captioned, Thomas Murray v. City of Newark, Docket No. ESX-L-4726-14, in which the plaintiff sought recovery for property damages allegedly sustained on September 18, 2013, as a result of the alleged actions of City of Newark employees; and

WHEREAS, a settlement proposal has been made to resolve this litigation in its entirety by payment in the total amount of Ninety Five Thousand Dollars and Zero Cents (\$95,000.00) ("Settlement Sum"); and

WHEREAS, the Corporation Counsel based upon all facts and circumstances presented, deems it is in the best interest of the City of Newark to resolve this matter by payment of the proposed Settlement Sum.

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 payment in the sum of \$95,000.00 (Ninety Five Thousand Dollars and Zero Cents), which payment will be made jointly payable to "Thomas Murray and Dell'Italia, Affinito & Santola" and which payment will be mailed to John P. Dell'Italia, Esq., Dell'Italia, Affinito & Santola, 18 Tony Galento Plaza, Orange New Jersey 07050.

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, Division/Project 5T25, and Account #96320, in the amount of Ninety Five Thousand Dollars and Zero Cents (\$95,000.00), 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 Corporation Counsel.

5. The 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 Corporation Counsel on behalf of the City of Newark to enter into a Settlement Agreement and Release to settle civil litigation captioned Thomas Murray v. City of Newark, Docket No. ESX-L-4726-14, in the amount of Ninety Five Thousand Dollars and Zero Cents (\$95,000.00), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.