



Legislation Text

File #: 16-0799, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: 2:11-CV-1150 (SDW)

Claimant: Joshua Ruiz

Claimant's Attorney: Christopher Balioni, Esq.

Attorney's Address: Hanlon, Niemann & Wright, 3499 Route 9 North, Suite 1F, Freehold, New Jersey 07728

Settlement Amount: \$40,000.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel, June 14, 2016.

WHEREAS, Plaintiff, Joshua Ruiz, instituted a suit in the District Court of New Jersey, captioned Ramirez and Ruiz v. City of Newark, Docket No. 2:11-CV-1150 (SDW), in which the plaintiff sought recovery for damages allegedly sustained on June 3, 2009, as a result of the alleged actions of City of Newark agents; and

WHEREAS, a settlement proposal has been made to resolve this litigation in its entirety by payment in the total amount of Forty Thousand Dollars and Zero Cents (\$40,000.00) ("Settlement Sum"); and

WHEREAS, the 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 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 amount of \$40,000.00 (Forty Thousand Dollars and Zero Cents), which payment will be made jointly payable to "Joshua Ruiz and Hanlon, Niemann & Wright," and which payment will be mailed to Christopher Balioni, Esq., Hanlon, Niemann & Wright, 3499 Route 9 North, Suite 1F, Freehold, New Jersey 07728.
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-appropriate funds from Business Unit NW025, Dept. ID 25T, Division. Project 7T25 and Account #96340, in the amount of Forty Thousand Dollars and Zero Cents (\$40,000.00) for the purpose set forth herein.

4. The Corporation Counsel shall file a copy of the Certification of Funds and this resolution in the Office of the City Clerk.
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 Ramirez and Ruiz v. City of Newark, Docket No. 2:11-CV-1150 (SDW), in the amount of Forty Thousand Dollars and Zero Cents (\$40,000.00), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.