



Legislation Text

File #: 16-1683, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: ESX-L-5254-14

Claimant: Pantaleo Electric, Inc.

Claimant's Attorney: Gregory F. Kotchick, Esq.

Attorney's Address: Durkin & Durkin, LLP., 1120 Bloomfield Avenue, P.O. Box 1289, West Caldwell, New Jersey 07007-9452

Settlement Amount: \$30,000.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel, December 6, 2016.

WHEREAS, a suit was instituted in the Law Division of the Superior Court of New Jersey, Essex Vicinage, captioned, Pantaleo Electric v. English Paving et al., Docket No. ESX-L-5254-14, in which the plaintiff sought recovery of damages for breach of contract and under the Municipal Mechanics Lien Law, for a failure to pay \$97,500.00, for services rendered as of December 17, 2013, as a result of the alleged actions of City of Newark employees and employees of English Paving; and

WHEREAS, a proposal has been made to resolve this litigation in its entirety by payment in the total amount of \$30,000.00 (Thirty Thousand Dollars and Zero Cents) ("Settlement Sum") and execution of the Settlement Agreement and Release ("Agreement") (attached); 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 Sum and execution of the Agreement.

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 amount of Thirty Thousand Dollars and Zero Cents (\$30,000.00), which payment will be made jointly payable to "Pantaleo Electric, Inc. and the Law Firm of Durkin & Durkin, LLP and will be mailed to Gregory F. Kotchick, Esq., 1120 Bloomfield Avenue, P.O. Box 1289, West Caldwell, New Jersey 07007-9452.

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. 25T, Division/Project 5T25, and Account #96320, in the amount of Thirty Thousand Dollars and Zero Cents (\$30,000.00), for the purpose set forth herein.

4. The Corporation Counsel shall file a copy of the Comptroller's Certification in the Office of the City Clerk along with this Resolution.

5. The Corporation Counsel shall file a fully executed copy of the Settlement Agreement and Release 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 in the Law Division of the Superior Court of New Jersey, Essex Vicinage captioned, Pantaleo Electric v. English Paving et al., Docket No. ESX-L-5254-14, in the amount of \$30,000.00, in exchange for the dismissal of any and all claims against the City of Newark, its employees, and a complete release.