



## Legislation Text

File #: 21-1286, Version: 1

**Dept/ Agency:** Law

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

**Purpose:** Settlement of Civil Litigation

**Docket No.:** 18-cv-00082 (JXN-LDW)

**Claimant:** Kashanda Brown

**Claimant's Attorney:** Samuel Anyan, Jr., Esq., Wapner Newman, 2000 Market Street, Suite 2750, Philadelphia, Pennsylvania 19103

**Settlement Amount:** \$75,000.00

**Funding Source:** Insurance Fund

**Additional Comments:**

**WHEREAS**, Plaintiff, Kashanda Brown instituted a suit captioned Kashanda Brown v. City of Newark and Kenneth Gaulette and John Does 1-10; Jane Does 1-10; ABC Corporations 1-10; et al. United States District Court, District of New Jersey, Docket 18-cv-00082 (JXN-LDW), in which the Plaintiff sought recovery for damages for alleged violations of her constitutional rights and for tort injuries; and

**WHEREAS**, a settlement proposal has been made to resolve this litigation in its entirety by execution of the attached Settlement Agreement and Release, and payment in the total amount of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00) ("Settlement Sum"); and

**WHEREAS**, to avoid the costly expense of litigation, the Parties and the City's Corporation Counsel desire to amicably resolve this matter with payment by the City of Newark in the total amount of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), in exchange for Plaintiff's execution of the Settlement Agreement and Release (attached) as a full and complete release of the matter; 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 execution of the Settlement Agreement and Release and 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 authorized on behalf of the City of Newark, to enter into, 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 the Department of Finance is hereby authorized and directed to issue

payment in the sum of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), which payment will be made jointly payable to: “Kashanda Brown and Wapner Newman” and which payment will be mailed to: Samuel Anyan, Jr., Esq., at Wapner Newman, 2000 Market Street, Suite 2750, Philadelphia Pennsylvania 19103.

3. Annexed hereto is the Certification of Funds issued by the City’s Director of the Department of Finance, which states that there are available sufficient legally appropriated funds in the amount of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00) for the purpose set forth herein.
4. The Corporation Counsel shall file a fully executed copy of the Settlement Agreement, this Resolution and the Certificate of Funds in the Office of the City Clerk.
5. The Settlement Agreement and General Release and Resolution does not admit, nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of the Corporation Counsel and to eliminate all risks and future litigation costs.

### **STATEMENT**

This Resolution authorizes the Corporation Counsel, on behalf of the City of Newark, to enter into, execute and accept a Settlement Agreement and Release to settle civil litigation captioned Kashanda Brown v. City of Newark and Kenneth Gaulette and John Does 1-10; Jane Does 1-10; ABC Corporations 1-10; et al. United States District Court, District of New Jersey, Docket 18-cv-00082 (JXN-LDW), in exchange for Plaintiff’s dismissal of any and all claims against the City of Newark and its employees and a complete release.