



Legislation Text

File #: 16-1357, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: ESX-L-8807-14

Claimant: Quality Healthcare, Inc.

Claimant's Attorney: Michael S. Horn, Esq., Archer & Greiner, P.C.

Attorney's Address: Court Plaza South, West Wing, 21 Main Street, Suite 353, Hackensack, New Jersey 07601

Settlement Amount: \$150,000.00

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, October 18, 2016

WHEREAS, Plaintiff Quality Healthcare, Inc., instituted a suit in Essex County Superior Court captioned Quality Healthcare, Inc. v. City of Newark, Docket No. ESX-L-8807-14, in which Plaintiff sought recovery for alleged breach of contract, conversion and unjust enrichment stemming from Plaintiff's alleged agreement to provide nursing services to the City of Newark's Department of Health and Community Wellness; and

WHEREAS, it has been determined that Plaintiff sustained damages, and a proposal has been made to resolve this litigation in its entirety by payment to the Plaintiff in the total amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) ("Settlement Sum"); and

WHEREAS, the Corporation Counsel based upon all facts and circumstances presented, including the cost, expense, delay and uncertainty of litigation, 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 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 \$150,000.00 (One Hundred Fifty Thousand Dollars and Zero Cents), which payment will be made payable to "Quality Healthcare, Inc.," and which payment will be mailed, by a service with tracking information, to Michael S. Horn, Esq., Archer & Greiner, P.C., Court Plaza South, West Wing, 21 Main Street, Suite 353, Hackensack, New Jersey 07601.

3. Attached 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./Project 5T25 and Account #96320, in the amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) for the purpose set forth herein.
4. The Corporation Counsel shall file a copy of the Finance Director's Certification and this resolution in the Office of the City Clerk.
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 captioned Quality Healthcare, Inc. v. City of Newark, Docket No. ESX-L-8807-14, in the amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), in exchange for Plaintiff's complete dismissal of any and all claims against the City of Newark, Mayor Ras J. Baraka, its officers, agents, employees, and a complete release.