



## Legislation Text

File #: 22-1274, Version: 1

**Dept/ Agency:** Law

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

**Purpose:** Settlement of Civil Litigation

**Docket No.:** 18-cv-14473 (EP-JBC)

**Claimant:** Tanisha Rollins, Administrator Ad Prosequendum, on behalf of the Estate of Jammie Najier Nelson a/k/a Jammie Najier Salaam

**Claimant's Attorney:** Nathaniel M. Davis, Esq., 1980 Springfield Avenue, Suite 5, Maplewood, New Jersey, 07040

**Settlement Amount:** \$90,000.00

**Funding Source:** Insurance Trust Fund

**Additional Comments:**

**WHEREAS**, the Plaintiff, Tanisha Rollins, Administrator Ad Prosequendum, on behalf of the Estate of Jammie Najier Nelson a/k/a Jammie Najier Salaam, instituted a suit in the United States District Court for the District of New Jersey, captioned Tanisha Rollins, Administrator Ad Prosequendum, on behalf of the Estate of Jammie Najier Nelson v. City of Newark, City of Newark Police Department, Det. Mario Garcia, Det. Tyrone Morton, Det. Miguel Ressurreicao, Det. Manuel Souto, and Sgt. Rahmaun Horton, United States District Court, District of New Jersey, Docket 18-cv-14473 (EP-JBC), in which the Plaintiff sought recovery for damages allegedly sustained in 2016, as a result of the 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 Thousand Dollars and Zero Cents (\$90,000.00) (the "Settlement Sum"), and execution of a Settlement Agreement and Release; 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 (the "City") of the Settlement Sum, 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 City's Corporation Counsel, based upon all facts and circumstances presented, deems it is in the best interest of the City to resolve said matter by payment of the proposed Settlement Sum and execution of the Settlement Agreement and Release.

**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 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 Ninety Thousand Dollars and Zero Cents (\$90,000.00), which payment will be made jointly payable to: "Tanisha Rollins, Administrator Ad Prosequendum, on behalf of the Estate of Jammie Najier Nelson and Nathaniel M. Davis, Esq." and which payment will be mailed to: Nathaniel M. Davis, Esq., 1980 Springfield Avenue, Suite 5, Maplewood, New Jersey, 07040.
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-appropriate funds from Business Unit NW025, Dept. ID 25T, Division/Project 5T25 and Account #96320, in the amount of Ninety Thousand Dollars and Zero Cents (\$90,000.00) for the purpose set forth herein.
4. A copy of the City 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 and Release in the Office of the City Clerk.
6. This Resolution shall be effective upon adoption in accordance with applicable State Law.
7. The Settlement Agreement and 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 and execute a Settlement Agreement and Release to settle civil litigation captioned Tanisha Rollins, Administrator Ad Prosequendum, on behalf of the Estate of Jammie Najier Nelson v. City of Newark, City of Newark Police Department, Det. Mario Garcia, Det. Tyrone Morton, Det. Miguel Ressurreicao, Det. Manuel Souto, and Sgt. Rahmaun Horton, United States District Court, District of New Jersey, Docket 18-cv-14473 (EP-JBC), in the amount of \$90,000.00 in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.