



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 15-0962, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: ESX-L-3473-08

Claimant: Paul Roura

Claimant's Attorney: Dean Maglione, Esq.

Attorney's Address: 186 Clinton Avenue, Newark, New Jersey 07108

Settlement Amount: \$750,000.00

Funding Source: City of Newark/Automobile Liability/Automobile

Additional Comments:

Invitation: Corporation Counsel, June 16, 2015.

WHEREAS, a suit was instituted in the Superior Court of New Jersey, Essex County Superior Court, Law Division, captioned, Paul Roura v. City of Newark et al., Docket No. ESX-L-3473-08, in which the plaintiff sought recovery for damages for personal injuries allegedly sustained on June 30, 2007, as a result of the alleged negligent actions of City of Newark employees; and

WHEREAS, this case was tried from October 25, 2011 through November 2, 2011, with a jury verdict against the City of Newark for \$3,000,000.00 dollars for plaintiff Paul Roura, finding plaintiff 8% liable and Defendant City of Newark 92% liable for the accident; and

WHEREAS, on appeal filed by the City of Newark, the Appellate Division rendered a unpublished opinion on November 13, 2013, that reversed the verdict in its entirety and remanded the matter for a new trial; and

WHEREAS, upon the parties appearing for retrial, a proposal has been made to resolve this litigation in its entirety by payment in the total amount of \$750,000.00 (Seven Hundred and Fifty Thousand Dollars and Zero Cents); 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.

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 Acting Director of Finance is hereby authorized and directed to issue two separate payments: 1) first payment in the amount of \$375,000.00 (Three Hundred and Seventy Five Thousand Dollars and

Zero Cents), which payments will be made jointly payable to “Paul Roura and The Maglione Firm, P.C.,” and which payments will be mailed to Dean R. Maglione, Esq., The Maglione Firm, P.C., 186 Clinton Avenue, Newark, New Jersey 07108. This payment shall be made no later than June 30, 2015; and 2) the second and final payment in the amount of 375,000.00 (Three Hundred and Seventy Five Thousand Dollars and Zero Cents), which payments will be made jointly payable to “Paul Roura and The Maglione Firm, P.C.,” and which payments will be mailed to Dean R. Maglione, Esq., The Maglione Firm, P.C., 186 Clinton Avenue, Newark, New Jersey 07108. This payment shall be made no later than October 30, 2015.

3. Annexed hereto is the Certification of Funds issued by the Acting Director of Finance, City of Newark, which states that there are available sufficient legally-appropriated funds from Fund 025, Agency 25T, Organization 6T25, and Object 96330, in the amount of \$750,000.00 (Seven Hundred and Fifty Thousand Dollars and Zero Cents), for the purpose set forth herein.

4. A copy of the Comptroller’s Certification shall be filed in the Office of the City Clerk along with this Resolution by the Corporation Counsel.

5. A fully executed copy of the Settlement Agreement shall be filed in the Office of the City Clerk by the Corporation Counsel.

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 Superior Court of New Jersey, Essex County Superior Court, Law Division, captioned, Paul Roura v. City of Newark et al., Docket No. ESX-L-3473-08, in the amount of \$750,000.00, in exchange for Plaintiff’s dismissal of any and all claims against the City of Newark and its employees, and a complete release.