



Legislation Text

File #: 17-0616, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: ESX-L-3537-13

Claimant: Mukesh Gopaul and Afeera Baksh

Claimant's Attorney: Martin S. Cowen, Esq.

Attorney's Address: Slavitt & Cowen, P.A., 17 Academy Street, Newark, New Jersey 07102

Settlement Amount: \$190,000.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Acting Corporation Counsel, June 20, 2017

WHEREAS, Plaintiffs, Mukesh Gopaul and Afeera Baksh, instituted suit in the Superior Court of New Jersey, captioned Gopaul and Baksh v. City of Newark and Orlando Torres, Docket No. ESX-L-3537-13, in which the plaintiffs sought recovery for damages allegedly sustained on September 21, 2011, as a result of the alleged actions of the City of Newark and its employee Orlando Torres; and

WHEREAS, a settlement proposal, Settlement Agreement and Release ("Settlement Agreement"), has been made to resolve this litigation in its entirety by payment in the total amount of One Hundred Ninety Thousand Dollars and Zero Cents (\$190,000.00) ("Settlement Sum"); and

WHEREAS, the Acting Corporation Counsel based upon all facts and circumstances presented, deems it in the best interest of the City of Newark to resolve this matter executing the Settlement Agreement by payment of the proposed Settlement Sum.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Acting 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 Acting Corporation Counsel of all documents deemed necessary, the Director of Finance is hereby authorized and directed to issue payment in the amount of \$190,000.00 (One Hundred Ninety Thousand Dollars and Zero Cents), which payment will be made jointly payable to "Mukesh Gopaul and Afeera Baksh and Martin S. Cowen, Esq." and which payment will be mailed to Martin S. Cowen, Esq., Slavitt & Cowen, P.A., 17 Academy Street, Newark, New Jersey 07102.
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-appropriate funds from

Business Unit NW025, Dept. ID 25T, Division. Project 5T25 and Account #96330, in the amount of One Hundred Ninety Thousand Dollars and Zero Cents (\$190,000.00) 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 Acting Corporation Counsel.
5. The Acting Corporation Counsel shall file a fully executed copy of the Settlement Agreement 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 Acting Corporation Counsel on behalf of the City of Newark and Orlando Torres to enter into a Settlement Agreement and Release to settle civil litigation captioned Gopaul and Baksh v. City of Newark and Orlando Torres, Docket No. ESX-L-3537-13, in the amount of One Hundred Ninety Thousand Dollars and Zero Cents (\$190,000.00), in exchange for Plaintiffs' dismissal of any and all claims against the City of Newark and its employees, including Orlando Torres, and a complete release.