



Legislation Text

File #: 19-1291, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: ESX-L-3264-17

Claimant: Global Development Contractors, LLC

Claimant's Attorney: Jeffrey S. Wilson, Esq.

Attorney's Address: Hedinger & Lawless, LLC., 147 Columbia Turnpike, Suite 200, Florham Park, New Jersey 07932-2145

Settlement Amount: \$80,000.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, a suit was instituted in the Law Division of the Superior Court of New Jersey, Essex Vicinage, captioned Global Development Contractors, LLC v. City of Newark, Docket No. ESX-L-3264-17, in which the plaintiff sought recovery of damages for breach of contract, as a result of the City's alleged non-payment for emergency snow removal services during 2016 Winter Storm Jonas; and

WHEREAS, a proposal has been made to resolve this litigation in its entirety by agreement and acceptance of the terms of the Settlement Agreement and Release and payment to Global Development Contractors, LLC in the total amount of \$80,000.00 (Eighty Thousand Dollars and Zero Cents) ("Settlement Sum"); 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 Director of Finance is hereby authorized and directed to issue payment in the amount of \$80,000.00 (Eighty Thousand Dollars and Zero Cents), which payments will be made to "Global Development Contractors, LLC" and which payment will be mailed to Jeffrey S. Wilson, Esq., Hedinger & Lawless, LLC, 147 Columbia Turnpike, Suite 200, Florham Park, New Jersey 07932-2145.

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-appropriated funds from Business Unit

NW025, Dept. 25T, Division/Project 5T25, and Account #96320, in the amount of \$80,000.00 (Eighty 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 Law Division of the Superior Court of New Jersey, Essex Vicinage, captioned, Global Development Contractors, LLC v. City of Newark, Docket No. ESX-L-3264-17, in the amount of \$80,000.00, in exchange for the dismissal of any and all claims against the City of Newark and its employees, and a complete release.