



Legislation Text

File #: 13-0228, Version: 2

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: 11-2572 (PGS)

Claimant: Sheronda Smalls

Claimant's Attorney: Nathaniel M. Davis

Attorney's Address: Military Park Building, 60 Park Place, Suite 208, Newark, New Jersey 07102

Settlement Amount: \$50,000.00

Funding Source: Insurance Trust Fund/Personal Injury (025 25T 5T25 96320)

Additional Comments:

Invitation: Corporation Counsel, April 2, 2013

Failed 7R7-b 040313

WHEREAS, a suit was initiated in the United States District Court of New Jersey, captioned Sheronda Smalls, as g/a/l on behalf of minors Basheera Farrell and Aljameer Phillips vs. City of Newark, et als., Docket Number 11-2572 (PGS), seeking personal injury damages against the City of Newark and several individual police officers for alleged constitutional rights violations on behalf of decedent; and

WHEREAS, a proposal has been made to resolve this litigation by payment in the total amount of Fifty Thousand Dollars (\$50,000.00); 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 litigation 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 a check in the amount of Fifty Thousand Dollars (\$50,000.00), which payment will be made payable to "Sheronda Smalls and her attorney Nathaniel M. Davis, Esq.," and which payment will be mailed to Nathaniel M. Davis, Esq., Military Park Building, 60 Park Place, Suite 208, 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-appropriated funds from Fund 025, Dept. 25T, Agency 5T25, Account 96320 in the amount of Fifty Thousand Dollars (\$50,000.00), for the purpose set forth herein. 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.

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

5. 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 the litigation captioned Sheronda Smalls, et als. v. City of Newark et als, in the amount of Fifty Thousand Dollars (\$50,000.00), in exchange for Plaintiffs' dismissal of any and all claims against the City of Newark and its employees.