



Legislation Text

File #: 12-2449, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: 10-2320 (KSH).

Claimant: Michael Gilbert

Claimant's Attorney: Mark B. Frost & Associates, P.C.

Attorney's Address: Pier 5 at Penns Landing, 7 North Columbus Boulevard, Philadelphia, Pennsylvania 19106

Settlement Amount: \$175,000.00

Funding Source: City of Newark/Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel, February 19, 2013

WHEREAS, a suit was instituted in the United States District Court, District of New Jersey captioned Michael Gilbert v. City of Newark et al., Civil Action #10-2320 (KSH), in which the plaintiff sought recovery for damages for his alleged wrongful termination; and

WHEREAS, a proposal has been made to resolve this litigation in its entirety by payment in the total amount of \$175,000.00 (One Hundred and Seventy Five Thousand Dollars); 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 a check in the amount of \$175,000.00 (One Hundred and Seventy Five Thousand Dollars), which payment will be made payable to "Michael Gilbert and Mark B. Frost & Associates, P.C." and which payment will be mailed to Pier 5 at Penns Landing, 7 North Columbus Boulevard, Philadelphia Pennsylvania 19106.
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 the Insurance Trust Fund 025, Agency 25T, Organization 6T25, and Object 96330, in the amount of \$175,000.00 (One Hundred and Seventy-Five Thousand Dollars), 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 United States District Court, District of New Jersey captioned Michael Gilbert v. City of Newark et al., Civil Action #10-2320 (KSH), in the amount of \$175,000.00, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.