



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 13-1677, Version: 1

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**Dept/ Agency:** Law

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

**Purpose:** Settlement of Civil Litigation

**Docket No.:** Civil Action No. 08-4218 (JLL) as remanded to ESX-L-8956-11

**Claimant:** Clarestine Braxton

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

**Attorney's Address:** Pier 5 at Penn's Landing, 7 North Columbus Boulevard, 2<sup>nd</sup> Floor,  
Philadelphia, Pennsylvania 19106

**Settlement Amount:** \$200,000.00

**Funding Source:** City of Newark

**Additional Comments:**

**Invitation:** Corporation Counsel, October 1, 2013

**No Action Taken 7R7-d 100213**

**No Action Taken 7R7-d 101013**

**WHEREAS**, two (2) suits were instituted by plaintiff, Clarestine Braxton against the City of Newark: 1) in the United States District Court for the District of New Jersey under Civil Action No. 08-4218 (JLL); and 2) in the Superior Court of New Jersey, County of Essex, bearing Docket No. ESX-L-8956-11 seeking recovery for alleged retaliatory treatment under the law by the City of Newark, and its employees individually; and

**WHEREAS**, in the lawsuit bearing Civil Action No. 08--4218 (JLL) the federal causes of action were dismissed and the remaining state causes of action were remanded to the Superior Court of New Jersey to the lawsuit bearing Docket No. ESX-L-8956-11; and

**WHEREAS**, a proposal has been made to resolve said litigation by payment in the amount of Two Hundred Thousand Dollars (\$200,000.00); and

**WHEREAS**, the Corporation Counsel based upon all facts and circumstances deems it in the best interest of the City of Newark to resolve this matter by making such payment.

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

1. The settlement of the matter bearing Docket No. ESX-L-8956-11 is hereby approved.
2. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized and directed to issue a check in the amount of: Two Hundred

Thousand Dollars (\$200,000.00) made payable to Mark B. Frost & Associates Pier 5 at Penn's Landing, 7 North Columbus Boulevard, 2<sup>nd</sup> Floor, Philadelphia, Pennsylvania 19106, on behalf of Clarestine Braxton.

3. Attached hereto is the Certification of the Comptroller of the City of Newark, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove and the line appropriation of the Official Budget that shall be charged is Fund 025, Agency 25T, Organization 5T25 and Object 96320. A copy of the Comptroller's Certification shall be filed in the Office of the City Clerk, along with a copy of this resolution.

### **STATEMENT**

The resolution hereby authorizes Corporation Counsel to effectuate a Settlement of Civil Litigation by entering into a Release in the amount of Two Hundred Thousand Dollars (\$200,000.00) to plaintiff, Clarestine Braxton, represented by Mark B. Frost & Associates of Pier 5 at Penn's Landing, 7 North Columbus Boulevard, 2<sup>nd</sup> Floor, Philadelphia, Pennsylvania 19106.