



## Legislation Text

File #: 16-1538, Version: 1

**Dept/ Agency:** Law

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

**Purpose:** Settlement of Civil Litigation

**Docket No.:** 13-cv-1264 (KSH)

**Claimant:** Zdenka Simkova

**Claimant's Attorney:** Fishbeyn & Briskin, LLC.

**Attorney's Address:** PO Box 489, Hillsdale, New Jersey 07642

**Settlement Amount:** \$80,000.00

**Funding Source:** Insurance Trust Fund

**Additional Comments:**

**Invitation:** Corporation Counsel, December 6, 2016

**WHEREAS**, Plaintiff, Zdenka Simkova, instituted a suit in the United States District Court, District of New Jersey, captioned Simkova v. City of Newark et al., Docket No. 13-cv-1264 (KSH), in which the plaintiff sought recovery for damages allegedly sustained on November 23, 2007, as a result of the actions of the City of Newark and its employees; and

**WHEREAS**, a settlement proposal has been made to resolve this litigation in its entirety by payment in the total amount of Eighty Thousand Dollars and Zero Cents (\$80,000.00) ("Settlement Sum"); and

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

**NOW, THEREFORE, BE IT RESOLVED BY 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 payment will be made jointly payable to "Zdenka Simkova and Fishbeyn & Briskin, LLC" and which payment will be mailed to Peter E. Briskin, Esq., P.O. Box 489, Hillsdale, New Jersey 07642.
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, Div./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. The 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 Corporation Counsel, on behalf of the City of Newark, to enter into a Settlement Agreement and Release to settle civil litigation captioned Simkova v. City of Newark et al., Docket No. 13-cv-1264 (KSH), in the amount of \$80,000.00 (Eighty Thousand Dollars and Zero Cents) in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.