



Legislation Text

File #: 23-1746, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: ESX-L-7657-18

Claimant: Victor Manata, Sergio Pereira, Angel Sanchez, and Jose Figueroa

Claimant's Attorney: The Toscano Law Firm, LLC, 80 Bloomfield Avenue, Suite 101, Caldwell, New Jersey 07006

Settlement Amount: \$150,000.00

Funding Source: Insurance Trust Fund

Additional Information:

Deferred 7R6-a 112123

Deferred 7R6-a 120623

Deferred 7R6-a 122023

WHEREAS, the Municipal Council by Ordinance 6PSF-f adopted on August 5, 2020 granted authority to the Corporation Counsel to settle any claim for a sum not to exceed \$44,000.00 without the approval of the Municipal Council; and

WHEREAS, Plaintiffs Victor Manata, Sergio Pereira, Angel Sanchez, Jose Figueroa instituted a suit in the Essex County Superior Court, captioned Lieutenant Victor Manata, Lieutenant Sergio Pereira, Lieutenant Angel Sanchez, and Sergeant Jose Figueroa v. City of Newark, et al., Docket # ESX-L-7657-18, in which the plaintiff sought recovery for employment related claims as a result of the alleged actions of the City of Newark and its employees; and

WHEREAS, a settlement proposal has been made to resolve this claim in its entirety by payment in the total amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) and execution of a Settlement Agreement and Release; and

WHEREAS, the Corporation Counsel, based upon all facts and circumstances surrounding the matter, deems it is in the best interest of the City to resolve this matter by payment in the amount set forth above; and

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 One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) which payment will

be made payable to "Trust account of The Toscano Law Firm, LLC." which payment will be mailed to Patrick P. Toscano, Esq., 80 Bloomfield Avenue, Caldwell New Jersey 07006.

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, Division/Project 7T25 and Account #9634, in the amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) 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 and Release in the Office of the City Clerk.
6. This Resolution shall be effective upon adoption in accordance with applicable State Law.
7. The Settlement Agreement and Release and Resolution does not admit, nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of the Corporation Counsel and to eliminate all risks and future litigation costs.

STATEMENT

This Resolution authorizes the Corporation Counsel on behalf of the City of Newark to enter into a Settlement Agreement and Release to settle all claims of the Plaintiff in the matter captioned Lieutenant Victor Manata, Lieutenant Sergio Pereira, Lieutenant Angel Sanchez, and Sergeant Jose Figueroa v. City of Newark, et al., Docket # ESX-L-7657-18, in the amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), in exchange for Claimant's dismissal of any and all claims against the City of Newark and its employees, and a complete release.