



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 21-1617, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: 16-cv-1110 (SDW-LDW)

Claimant: Marc Leibman, in his capacity as limited administrator for the Estate of Adriano Roman

Claimant's Attorney: Kaufman Semeraro and Leibman LLP, Two Executive Drive, Suite 530, Fort Lee, New Jersey 07024

Settlement Amount: \$318,000.00

Funding Source: Insurance Trust Fund

Additional Comments:

WHEREAS, Plaintiff, Marc Leibman, in his capacity as limited administrator for the Estate of Adriano Roman, instituted a suit in the United States District Court for the District of New Jersey captioned Marc Leibman, in his capacity as limited administrator for the Estate of Adriano Roman v. City of Newark, Docket No. 16-cv-1110 (SDW-LDW), in which the plaintiff sought recovery for damages allegedly sustained in 2014 for alleged violations of his constitutional rights and for tort injuries; and

WHEREAS, a settlement proposal has been made to resolve this litigation in its entirety by payment in the total amount of Three Hundred Eighteen Thousand Dollars and Zero Cents (\$318,000.00) ("Settlement Sum"), and execution of a Settlement Agreement and Release; and

WHEREAS, to avoid the costly expense of litigation, the Parties and the City's Corporation Counsel desire to amicably resolve this matter with payment by the City of Newark of the Settlement Sum, in exchange for Plaintiff's execution of the Settlement Agreement and Release (attached) as a full and complete release of the matter; and

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

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 enter into, 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 the Department of Finance is hereby authorized and directed to issue payment in the amount of Three Hundred Eighteen Thousand Dollars and Zero Cents (\$318,000.00), which payment will be made payable to: "Kaufman Semeraro and Leibman Trust Account" and mailed to: The Law Offices Kaufman Semeraro and Leibman LLP, Two Executive Drive Suite 530, Fort Lee, New Jersey 07024.

3. Annexed hereto is the Certification of Funds issued by the City of Newark's Director of the Department of Finance, which states that there are available sufficient legally-appropriate funds from Business Unit NW025, Dept. ID 25T, Division/Project 5T25 and Account #96320, in the amount of Three Hundred Eighteen Thousand Dollars and Zero Cents (\$318,000.00) 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 and execute a Settlement Agreement and Release to settle civil litigation captioned Marc Leibman, in his capacity as limited administrator for the Estate of Adriano Roman v. City of Newark, Docket No. 16-cv-1110 (SDW-LDW), in the amount of \$318,000.00, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.