



## Legislation Text

File #: 18-1239, Version: 1

**Dept/ Agency:** Law

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

**Purpose:** Settlement of Civil Litigation

**Docket No.:** ESX-L-1464-18

**Claimant:** Dejana Industries, LLC.

**Claimant's Attorney:** Robert S. Moran, Jr., Esq.

**Attorney's Address:** McBreen and Kopko, 110 Summit Ave, Montvale, New Jersey 07645

**Settlement Amount:** \$179,305.00

**Funding Source:** 2018 Budget/ Department of Law NW011-210-2101-95520-B2018

**Additional Comments:**

**Invitation:** Corporation Counsel

**WHEREAS**, Plaintiff, Dejana Industries LLC, instituted a suit captioned Dejana Industries, LLC., v. City of Newark, Ras J. Baraka, Mayor, Jack Kelly, Business Administrator, Danielle A. Smith, Director Finance, and Khalif Thomas, Director of Public Works, Superior Court of New Jersey, Law Division, Essex County, Docket No. ESX-L-1464-18, in which the plaintiff sought recovery for damages for the breach of a contract with the City of Newark and its employees; and

**WHEREAS**, a settlement proposal has been made to resolve this litigation in its entirety by execution of the attached Settlement Agreement and Release, and payment in the total amount of \$179,305.00 (One Hundred Seventy-Nine Thousand, Three Hundred Five Dollars and Zero Cents) ("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 execution of the Settlement Agreement and Release and 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 of the sum of \$179,305.00 (One Hundred Seventy-Nine Thousand, Three Hundred Five Dollars), which payment will be made jointly payable to "Dejana Industries, LLC., and McBreen & Kopko") and which payment will be mailed to Robert S. Moran, Jr., Esq., McBreen & Kopko, 110 Summit Ave, Montvale, New Jersey 07645.
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 in the amount of \$179,305.00 (One Hundred Seventy-Nine Thousand, Three Hundred Five 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 Dejana Industries, LLC., v. City of Newark, Ras J. Baraka, Mayor, Jack Kelly, Business Administrator, Danielle A. Smith, Director Finance, and Khalif Thomas, Director of Public Works, Superior Court of New Jersey, Law Division, Essex County, Docket No. ESX-L-1464-18, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.