



Legislation Details (With Text)

File #: 12-2355 **Version:** 2 **Name:** Settlement of Civil Litigation - Emillia Vargas
Type: Resolution **Status:** Filed
File created: 12/11/2012 **In control:** Law
On agenda: 3/20/2013 **Final action:** 3/20/2013
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-8728-10
Claimant: Emilia Vargas
Claimant's Attorney: Alice W. Meehan, Esq.
Attorney's Address: Meehan & Quirk, LLC, 354 State Street, Suite 5, Hackensack, New Jersey 07601
Settlement Amount: \$40,000.00
Funding Source: City of Newark/General Liability/Personal Injury Fund
Additional Comments:
Invitation: Corporation Counsel, March 5, 2013

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/20/2013	2	Municipal Council	Adopt	Pass

Dept/ Agency: Law

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WHEREAS, a suit was instituted in the Superior Court of New Jersey, Essex County Superior Court, Law Division, captioned, Emilia Vargas v. City of Newark et al., Docket No. ESX-L-8728-10, in which the plaintiff sought recovery for damages for personal injuries allegedly sustained on Saturday, October 25, 2008, as a result of the alleged negligent actions of City of Newark employees; and

WHEREAS, a proposal has been made to resolve this litigation in its entirety by payment in the total amount of \$40,000.00 (Forty Thousand Dollars); and

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

NOW, THEREFORE, BE IT RESOLVED BY THE 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 Finance is hereby authorized and directed to issue a check in the amount of \$40,000.00 (Forty Thousand Dollars), which payment will be made payable to: "Emilia Vargas and Meehan & Quirk, LLC" of which said payment will be mailed to: Meehan & Quirk, LLC, 354 State Street, Suite 5, Hackensack, New Jersey 07601.
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-appropriated funds from: Fund 025, Agency 25T, Organization 5T25, and Object 96320, in the amount \$40,000.00 (Forty Thousand Dollars), 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. A fully executed copy of the Settlement Agreement and Release shall be filed in the Office of the City Clerk by the Corporation Counsel.
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 in the Superior Court of New Jersey, Essex County Superior Court, Law Division, captioned, Emilia Vargas v. City of Newark et al., Docket No. ESX-L-8728-10, in the amount of \$40,000.00 (Forty Thousand Dollars) in exchange for the Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.