



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Details (With Text)

File #: 13-2263 **Version:** 1 **Name:**

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File created: 11/27/2013 **In control:** Law

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Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-4386-11
Claimant: Justine Branham
Claimant's Attorney: Wendy L. Elovich, P.A.
Attorney's Address: 212 Maple Avenue, Red Bank, New Jersey 07701
Settlement Amount: \$80,000.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel, January 7, 2014

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
1/8/2014	1	Municipal Council	Adopt	Pass

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WHEREAS, a suit was instituted in the Superior Court of New Jersey, Law Division, Essex County, captioned Justine Branham v. City of Newark, Superior Court of New Jersey, Docket Number: ESX-L-4386-11, in which the plaintiff sought recovery for personal injuries; and

WHEREAS, it has been determined that plaintiff was injured and a proposal has been made to resolve this litigation by payment in the total amount of \$80,000.00 (Eighty 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 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 one check in the amount of \$80,000.00 (Eighty Thousand Dollars), which payment shall be made payable to "The Trust Account of the Law Offices of Wendy L. Elovich, P.A." and payment will be mailed to Wendy L. Elovich, Esq., 212 Maple Avenue, Red Bank, New Jersey, 07701.
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, Orgn. 5T25, Object 96320, in the amount of \$80,000.00 (Eighty Thousand Dollars), for the purpose set forth herein. 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.
4. A fully executed copy of the Settlement Agreement shall be filed in the Office of the City Clerk by the Corporation Counsel.
5. 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 Justine Branham v. City of Newark, Superior Court of New Jersey, Docket Number: ESX-L-4386-11, in the amount of \$80,000.00, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark, and a complete release.