



Legislation Details (With Text)

File #: 14-0263 **Version:** 1 **Name:** Burstein Settlement
Type: Resolution **Status:** Filed
File created: 2/27/2014 **In control:** Law
On agenda: 3/19/2014 **Final action:** 3/19/2014
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-1412-12
Claimant: Jessica Burstein
Claimant's Attorney: Thomas J. Giblin, Esq.
Attorney's Address: 10 Graber Square, Suite. 2, Ridgewood, New Jersey 07450
Settlement Amount: \$74,000.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel, March 18, 2014

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/19/2014	1	Municipal Council	Adopt	Pass

Dept/ Agency: Law

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WHEREAS, a suit was instituted in the Superior Court of New Jersey, Law Division, Essex County, captioned Jessica Burstein v. City of Newark, Superior Court of New Jersey, Docket Number: ESX-L-1412-12, 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 \$74,000.00 (Seventy-Four 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 Acting Director of Finance is hereby authorized and directed to issue one check in the amount of \$74,000.00 (Seventy-Four Thousand Dollars), which payment shall be made payable to "The Trust Account of "Giblin and Lynch" and payment will be mailed to Thomas J. Giblin, Esq., 10 Graber Square, Suite 2, Ridgewood, New Jersey 07450.

3. Annexed hereto is the Certification of Funds issued by the Acting 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 \$74,000.00 (Seventy-Four 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 Jessica Burstein v. City of Newark, Superior Court of New Jersey, Docket Number: ESX-L-1412-12, in the amount of \$74,000.00, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark, and a complete release.