



Legislation Details (With Text)

File #: 14-1202 **Version:** 1 **Name:** Patricia Waller
Type: Resolution **Status:** Filed
File created: 8/4/2014 **In control:** Law
On agenda: 9/17/2014 **Final action:** 9/17/2014
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-917-12
Claimant: Patricia Waller
Claimant's Attorney: Edward J. Rebenack, Esq.
Attorney's Address: Rebenack Aronow Mascolo, LLP, 111 Livingston Avenue, New Brunswick, New Jersey 08901
Settlement Amount: \$175,000.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel, September 16, 2014
Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--------|--------|
| 9/17/2014 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, a suit was instituted in the Superior Court of New Jersey, Essex County, Law Division captioned Patricia Waller vs. City of Newark, et al., Docket Number: ESX-L-917-12, in which the plaintiff sought recovery for her constitutional rights being violated; 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 \$175,000.00 (One Hundred and Seventy-Five Thousand Dollars); and

WHEREAS, the prior Corporation Counsel based upon all facts and circumstances deemed

that it was in the best interest of the City of Newark to resolve said matter by payment of the proposed Settlement; and

WHEREAS, the Settlement Agreement and Release requires the matter to be presented to the Municipal Council for approval; and

WHEREAS, the prior Corporation Counsel did not have the opportunity to present this matter to the Municipal Council for approval prior to her departure.

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 captioned Patricia Waller vs. City of Newark, et al., Docket Number: ESX-L-917-12, 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 a check in the amount of \$175,000.00 (One Hundred and Seventy-Five Thousand Dollars), which payment shall be made payable to "Patricia Waller and Edward J. Rebenack, Esq." and which payment will be mailed to Rebenack Aronow Mascolo, LLP, 111 Livingston Avenue, New Brunswick, New Jersey 08901.
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

| FUND | AGENCY | ORGN | OBJECT |
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| 025 | 25T | 5T25 | 96320 |

in the amount of \$175,000.00 (One Hundred and Seventy-Five Thousand Dollars), for the purpose 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, Patricia Waller v. City of Newark, et al., Docket Number: ESX-L-917-12 in the amount of \$175,000.00, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and a

complete release.