



## Legislation Details (With Text)

**File #:** 14-1407      **Version:** 2      **Name:**  
**Type:** Resolution      **Status:** Filed  
**File created:** 9/5/2014      **In control:** Law  
**On agenda:** 11/6/2014      **Final action:** 11/13/2014  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Civil Litigation  
Docket No.: ESX-L-9540-11  
Claimant: Diane Findley  
Claimant's Attorney: Alan Berliner, Esq.  
Attorney's Address: 50 Park Place, 11th Floor, Newark, New Jersey 07102  
Settlement Amount: \$50,000.00  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Corporation Counsel, November 5, 2014  
**Sponsors:** Council of the Whole  
**Indexes:**  
**Code sections:**

Date	Ver.	Action By	Action	Result
11/13/2014	2	Municipal Council	Adopt	Pass
11/6/2014	2	Municipal Council	Defer to a Special Meeting	Pass

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**Deferred to Special Meeting 7R7-c 110614**

**WHEREAS**, a suit was instituted in the Superior Court of New Jersey, Law Division captioned Diane Findley v. City of Newark, et al., Docket Number: ESX-L-9540-11, 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 \$50,000.00 (Fifty 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 a check in the amount of \$50,000.00 (Fifty Thousand Dollars), which payment shall be made payable to "Diane Findley and Alan Berliner, Esq." and which payment will be mailed to Alan Berliner, Esq., 50 Park Place, 11<sup>th</sup> Floor, Newark, New Jersey, 07102.
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 025-25T-5T25-96320 in the amount of \$50,000.00 (Fifty 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 Diane Findley v. City of Newark, et al., Docket Number: ESX-L-9540-11 in the amount of \$50,000.00, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and a complete release.