



Legislation Details (With Text)

File #: 15-1807 **Version:** 1 **Name:** Settlement of Torres litigation
Type: Resolution **Status:** Filed
File created: 9/16/2015 **In control:** Law
On agenda: 12/2/2015 **Final action:** 12/2/2015
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: 13-7787 (CCC)
Claimant: Jose Torres Ruiz
Claimant's Attorney: Ed McElroy, Esq.
Attorney's Address: Eichen Crutchlow Zaslow & McElroy, 40 Ethel Road, Edison, New Jersey 08817
Settlement Amount: \$50,000.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel, December 1, 2015
Sponsors: Council of the Whole
Indexes:
Code sections:

Date	Ver.	Action By	Action	Result
12/2/2015	1	Municipal Council	Adopt	Pass

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WHEREAS, a suit was instituted in the United States District Court, District of New Jersey, captioned, Jose Torres Ruiz v. City of Newark et al., Docket No. 13-7787 (CCC), in which the plaintiff sought recovery for damages for personal injuries allegedly sustained on October 2, 2011, as a result of the alleged actions of City of Newark employees; and

WHEREAS, a settlement proposal has been made to resolve this litigation in its entirety by payment in the total amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00) ("Settlement Sum"); and

WHEREAS, the Corporation Counsel based upon all facts and circumstances presented,

deems it is in the best interest of the City of Newark to resolve this matter by payment of the proposed Settlement Sum.

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 payment in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00), which payments will be made jointly payable to "Jose Torres Ruiz and Eichen Crutchlow Zaslow & McElroy" and which payments will be mailed to Ed McElroy, Esq., 40 Ethel Road, Edison, New Jersey 08817.

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, Dept. 25T, Division/Project 5T25, and Account #96320, in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00), 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 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 United States District Court, District of New Jersey, captioned, Jose Torres Ruiz v. City of Newark et al., Docket No. 13-7787 (CCC), in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.