



## Legislation Details (With Text)

**File #:** 16-0793      **Version:** 1      **Name:** Pre-Litigation Settlement (Carmagnola & Ritardi)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/6/2016      **In control:** Law  
**On agenda:** 7/7/2016      **Final action:** 7/7/2016

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Pre-Litigation Settlement of Civil Litigation  
Docket No.: N/A  
Claimant: Carmagnola & Ritardi, L.L.C.  
Claimant's Attorney: N/A  
Attorney's Address: 60 Washington Street, Morristown, New Jersey 07960  
Settlement Amount: \$30,952.50  
Funding Source: Insurance Fund Trust  
Additional Comments:  
Invitation: Corporation Counsel, July 6, 2016.

### Sponsors:

### Indexes:

### Code sections:

| Date     | Ver. | Action By         | Action | Result |
|----------|------|-------------------|--------|--------|
| 7/7/2016 | 1    | Municipal Council | Adopt  | Pass   |

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**Docket No.:** N/A

**Claimant:** Carmagnola & Ritardi, L.L.C.

**Claimant's Attorney:** N/A

**Attorney's Address:** 60 Washington Street, Morristown, New Jersey 07960

**Settlement Amount:** \$30,952.50

**Funding Source:** Insurance Fund Trust

**Additional Comments:**

**Invitation:** Corporation Counsel, July 6, 2016.

**WHEREAS**, in 2010 the Law Department for the City of Newark awarded Carmagnola & Ritardi, L.L.C, 60 Washington Street, Morristown, New Jersey 07960, a contract for professional legal services, Litigation Defense and Labor Matters; and

**WHEREAS**, Carmagnola & Ritardi has successfully defended and represented the City's interests in several labor and employment matters; and

**WHEREAS**, the then Corporation Counsel assigned Carmagnola & Ritardi to represent and defend the City's interests in Amina Maddox v. City of Newark, et. al., Civil Action No.: 2-10-cv-05025 -KM-MCA in which plaintiff sought recovery and damages for, among other things, wrongful termination; and

**WHEREAS**, the Court issued its decision in September 2014, and the Firm successfully represented and defended the City's interests in the case; and

**WHEREAS**, the Firm alleges that there are outstanding invoices and legal fees stemming from its successful defense of the City and its employees on this matter; and

**WHEREAS**, a settlement proposal has been made to amicably resolve this matter in its entirety, without the need for litigation, by the payment of a total amount of Thirty Thousand Nine Hundred Fifty-Two Dollars and Fifty Cents (\$30,952.50) ("Settlement Sum"); and

**WHEREAS**, the Corporation Counsel, based upon all facts and circumstances deems it is in the best interest of the City of Newark to resolve this matter, without the need for litigation, by the proposed Settlement Agreement and Release and payment of the 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 a check in the amount of Thirty Thousand Nine Hundred Fifty-Two Dollars and Fifty Cents (\$30,952.50).

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 Business Unit NW025, Dept. ID 25T, Div./Proj. 7T25, Account# 96340, in the amount of Thirty Thousand Nine Hundred Fifty-Two Dollars and Fifty Cents (\$30,952.50) for the purpose set forth herein.

4. Corporation Counsel shall file a copy of the Certification of Funds in the Office of the City Clerk along with this Resolution.

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 Mayor and/or his designee, the Corporation Counsel, on behalf of the City of Newark to enter into a Settlement Agreement and Release to amicably resolve a matter, without the need for civil litigation, involving Carmagnola & Ritardi, L.L.C, 60 Washington Street, Morristown, New Jersey 07960, in the amount of Thirty Thousand Nine Hundred Fifty-Two Dollars and Fifty Cents (\$30,952.50), in exchange for a complete release of any and all claims against the City of Newark for outstanding invoices pertaining to their successful defense of the City in a specific case.