



Legislation Details (With Text)

File #: 17-0380 **Version:** 1 **Name:** Resolution: Settlement of Civil Litigation - Estate of Tyron Benson
Type: Resolution **Status:** Adopted
File created: 3/2/2017 **In control:** Law
On agenda: 4/5/2017 **Final action:** 4/5/2017

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-3525-12
Claimant: Andrea Thomas, as Administrator of the Estate of Tyron Benson
Claimant's Attorney: Shelley L. Stangler, P.C.
Attorney's Address: 155 Morris Avenue, 2nd Floor, Springfield, New Jersey 07081
Settlement Amount: \$500.000.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel, April 4, 2017

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/5/2017	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 Andrea Thomas, as Administrator of the Estate of Tyron Benson v. City of Newark, et al., Docket Number: ESX-L-3525-12, in which the Plaintiff sought recovery for constitutional violations, including wrongful death; and

WHEREAS, a proposal has been made to resolve this litigation by payment in the total amount of \$500,000.00 (Five Hundred Thousand Dollars and Zero Cents); and

WHEREAS, the Acting 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 sum.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Acting 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 Acting Corporation Counsel of all documents deemed necessary, the Director of Finance is hereby authorized and directed to issue payment in the amount of \$500,000.00 (Five Hundred Thousand Dollars and Zero Cents), made jointly payable to: "Shelley L. Stangler, P.C. as attorney and Andrea Thomas, as Administrator" and which payment will be mailed to: Shelley L. Stangler, P.C., 155 Morris Avenue, 2nd Floor, Springfield, New Jersey 07081.

3. Annexed hereto is the Certification of Funds issued by the Director of Finance, which states that there are available sufficient legally-appropriated funds from: Business Unit NW025, Dept. 25T, Division/Project 7T25 and Account #96340, in the amount of \$500,000.00 (Five Hundred Thousand Dollars and Zero Cents), 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 Acting Corporation Counsel.

5. A fully executed copy of the Settlement Agreement and Release shall be filed in the Office of the City Clerk by the Acting Corporation Counsel.

6. This resolution shall be effective upon adoption in accordance with applicable State Law.

STATEMENT

This resolution hereby authorizes the Acting Corporation Counsel, on behalf of the City of Newark to enter into a Settlement Agreement and Release to settle civil litigation captioned, Andrea Thomas, as Administrator of the Estate of Tyron Benson v. City of Newark, et al., Docket Number: ESX-L-3525-12, in the amount of \$500,000.00 (Five Hundred Thousand Dollars and Zero Cents), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees and a complete release.