



## Legislation Details (With Text)

**File #:** 17-0618      **Version:** 1      **Name:** Civil Settlement - Cesario Construction  
**Type:** Resolution      **Status:** Adopted  
**File created:** 4/5/2017      **In control:** Law  
**On agenda:** 6/21/2017      **Final action:** 6/21/2017  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Civil Litigation  
Docket No.: ESX-L-8182-16  
Claimant: Cesario Construction Company, Inc.  
Claimant's Attorney: Nicholas S. Brindisi, Esq.  
Attorney's Address: Nicholas S. Brindisi, Esq., P.C., 1200 Route 46 West, Clifton, New Jersey 07013  
Settlement Amount: \$26,200.00  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Acting Corporation Counsel, June 20, 2017  
**Sponsors:** Council of the Whole  
**Indexes:**  
**Code sections:**

Date	Ver.	Action By	Action	Result
6/21/2017	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Law  
**Action:** ( ) Ratifying (X) Authorizing ( ) Amending  
**Purpose:** Settlement of Civil Litigation  
**Docket No.:** ESX-L-8182-16  
**Claimant:** Cesario Construction Company, Inc.  
**Claimant's Attorney:** Nicholas S. Brindisi, Esq.  
**Attorney's Address:** Nicholas S. Brindisi, Esq., P.C., 1200 Route 46 West, Clifton, New Jersey 07013  
**Settlement Amount:** \$26,200.00  
**Funding Source:** Insurance Trust Fund  
**Additional Comments:**  
**Invitation:** Acting Corporation Counsel, June 20, 2017

**WHEREAS**, Plaintiff, Cesario Construction Company, Inc., instituted a suit in the Superior Court of New Jersey, captioned Cesario Construction Company, Inc., v. City of Newark, Docket No. ESX-L-8182-16 in which the Plaintiff sought recovery for incomplete payment for services rendered; and

**WHEREAS**, a settlement proposal, in the form of a Settlement Agreement and Release, has been made to resolve this litigation, in its entirety, by payment in the total amount of Twenty Six Thousand Two Hundred Dollars and Zero Cents (\$26,200.00) ("Settlement Sum"); and

**WHEREAS**, the Acting Corporation Counsel, based upon all facts and circumstances

presented, deems it is 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 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 \$26,200.00 (Twenty Six Thousand Two Dollars and Zero Cents), which payment will be made jointly payable to "Cesario Construction Company, Inc. and Nicholas S. Brindisi, Esq., P.C.," and which payment will be mailed to Nicholas S. Brindisi, Esq., P.C. 1200 Route 46 West, Clifton, New Jersey 07013.
3. Annexed hereto is the Certification of Funds, issued by the Director of Finance of the City of Newark, which states that sufficient legally-appropriated funds are available from Business Unit NW011, Dept. ID 115, Division 1159, Budget Reference B2016, and Account #83710, in the amount of Twenty Six Thousand Two Hundred Dollars and Zero Cents (\$26,200.00) for the purpose set forth herein.
4. The Acting Corporation Counsel shall file a copy of the Finance Director's Certification, along with this resolution in the Office of the City Clerk.
5. The Acting Corporation Counsel shall file a fully executed copy of the Settlement Agreement and Release in the Office of the City Clerk.
6. This resolution shall be effective upon adoption in accordance with applicable State Law.

**STATEMENT**

This Resolution 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 Cesario Construction Company, Inc., v. City of Newark, Docket No. ESX-L-8182-16, in the amount of Twenty Six Thousand Two Hundred Dollars and Zero Cents (\$26,200.00), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark, and a complete release.