



Legislation Details (With Text)

File #: 17-1655 **Version:** 1 **Name:** Fiber Technologies Networks v. City of Newark - Settlement

Type: Resolution **Status:** Adopted

File created: 9/14/2017 **In control:** Law

On agenda: 9/20/2017 **Final action:** 9/20/2017

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-8795-14
Claimant: Fiber Technologies Networks, LLC.
Claimant's Attorney: Law Offices of Alan L. Zegas
Attorney's Address: 552 Main Street, Chatham, New Jersey 07928
Settlement Amount: \$228,000.00
Funding Source: not applicable - City receiving settlement amount
Additional Comments:
Invitation: Acting Corporation Counsel, September 19, 2017

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/20/2017	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 Fiber Technologies Network, LLC v. City of Newark, et al., Docket Number: ESX-L-8795-14, in which the plaintiff filed an Order to Show Cause and Verified Complaint against the City of Newark seeking a street opening permit; and

WHEREAS, a proposal has been made to resolve this litigation with Plaintiff making a lump sum payment to the City of Newark in the amount of \$228,000.00 (Two Hundred and Twenty-Eight Thousand Dollars and Zero Cents); and

WHEREAS, the Acting Corporation Counsel based upon all facts and circumstances, deems it in the best interests 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 Acting Corporation Counsel is hereby authorized on behalf of the City of Newark to execute and accept the terms of the Settlement Agreement and Mutual General Release, attached hereto.

2. Within sixty (60) days of approval of this Settlement Agreement by the Municipal Council, Fiber Technologies shall pay the City the total sum of \$228,000.00 (Two Hundred Twenty-Eight Thousand Dollars and Zero Cents) in full monetary consideration provided for the execution of this Settlement Agreement by the City.

3. The Acting Corporation Counsel shall file a fully executed copy of the Settlement Agreement and Mutual General Release in the Office of the City Clerk.

4. 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 Mutual General Release to settle civil litigation captioned, Fiber Technologies Network, LLC v. City of Newark, et al., Docket Number: ESX-L-8795-14, in the amount of \$228,000.00, in exchange for Plaintiff's dismissal of all claims against the City of Newark and a complete release.