



Legislation Details (With Text)

File #: 18-1477 **Version:** 1 **Name:** Caesar Sperduto - Civil Settlement
Type: Resolution **Status:** Adopted
File created: 9/16/2018 **In control:** Law
On agenda: 12/5/2018 **Final action:** 12/5/2018

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-3980-14
Claimant: Caesar Sperduto
Claimant's Attorney: Lomurro, Munson, Comer, Brown and Schottland, LLC
Attorney's Address: Monmouth Executive Center, 4 Paragon Way, Suite 100, Freehold New Jersey 07728
Settlement Amount: \$55,000.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/5/2018	1	Municipal Council	Adopted	Pass

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Whereas, Plaintiff, Caesar Sperduto instituted a suit captioned Caesar Sperduto v. City of Newark, Superior Court of New Jersey, Law Division, Essex County, Docket No. ESX-L-3980-14, in which the plaintiff sought recovery for damages for the alleged negligence of the City of Newark and its employees; and

WHEREAS, a settlement proposal has been made to resolve this litigation in its entirety by execution of the attached Settlement Agreement and Release, and payment in the total amount of \$55,000.00 (Fifty-Five Thousand Dollars and Zero Cents) ("Settlement Sum"); and

WHEREAS, the Corporation Counsel based upon all facts and circumstances presented, deems it in the best interest of the City of Newark to resolve said matter by execution of the Settlement Agreement and Release and payment of the proposed Settlement Sum.

NOW, THEREFORE, BE IT RESOLVED BY 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 of the sum of \$55,000.00 (Fifty-Five Thousand Dollars and Zero Cents), which payment will be made jointly payable to ("Caesar Sperduto and Lomurro Munson Comer Brown & Schottland, LLC") and which payment will be mailed to Richard Galez, Esq., Monmouth Executive Center, 4 Paragon Way, Suite 100, Freehold New Jersey 07728.
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-appropriate funds in the amount of \$55,000.00 (Fifty-Five 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 Corporation Counsel.
5. The Corporation Counsel shall file a fully executed copy of the Settlement Agreement 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 Corporation Counsel, on behalf of the City of Newark, to enter into a Settlement Agreement and Release to settle civil litigation captioned Caesar Sperduto v. City of Newark, Superior Court of New Jersey, Law Division, Essex County, Docket No. ESX-L-3980-14, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.