



Legislation Details (With Text)

File #: 18-1515 **Version:** 1 **Name:** Joseph Mitchell - Civil Settlement

Type: Resolution **Status:** Adopted

File created: 9/23/2018 **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-4469-15
Claimant: Joseph C. Mitchell
Claimant's Attorney: The Maglione Firm, P.C.
Attorney's Address: 186 Clinton Avenue, Newark, New Jersey 07108
Settlement Amount: \$25,000.00
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	Adopt	Pass

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WHEREAS, Plaintiff, Joseph C. Mitchell, instituted a suit in the Essex County Court, captioned Joseph C. Mitchell v. Richard Weber, Docket No. ESX-L-4469-15, in which the plaintiff sought recovery for damages allegedly sustained on or about November 18, 2013, as a result of the alleged actions of the City of Newark and its employees; and

WHEREAS, a settlement proposal has been made to resolve this litigation, in its entirety by the execution of a Settlement Agreement and Release ("Settlement Agreement") and payment in the total amount of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), ("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 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 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 in the amount of \$25,000.00 (Twenty-Five Thousand Dollars and Zero Cents), which payment will be made jointly payable to the Law Office of Dean Maglione, P.C., and Joseph C. Mitchell, and which payment will be mailed to The Law Office of Dean Maglione, P.C., 186 Clinton Avenue, Newark, New Jersey 07108.
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, Division. Project 5T25 and Account #96320, in the amount of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), 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 Joseph C. Mitchell v. Richard Weber, Docket No. ESX-L-4469-15, in the amount of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.