



## Legislation Details (With Text)

**File #:** 18-1827      **Version:** 1      **Name:** McCluney - Civil Settlement  
**Type:** Resolution      **Status:** Adopted  
**File created:** 11/28/2018      **In control:** Law  
**On agenda:** 2/20/2019      **Final action:** 2/22/2019  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Civil Litigation  
Docket No.: ESX-L-168-13  
Claimant: Kelly McCluney and Lorenzo McCluney  
Claimant's Attorney: Marilyn Barbosa, Esq.  
Attorney's Address: Barbosa Donovan, 70 South Orange Avenue, Livingston, New Jersey 07039  
Settlement Amount: \$175,000.00  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Corporation Counsel  
**Sponsors:** Council of the Whole  
**Indexes:**  
**Code sections:**

Date	Ver.	Action By	Action	Result
2/22/2019	1	Municipal Council	Adopt	Pass
2/20/2019	1	Municipal Council	No Action Taken	

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**WHEREAS**, Plaintiffs Kelly McCluney and Lorenzo McCluney, instituted a suit in the Superior Court of New Jersey, Essex County Law Division, captioned Kelly McCluney and Lorenzo McCluney v. City of Newark et al., Docket No. ESX-L-168-13, in which the plaintiff sought recovery for damages allegedly sustained on January 8, 2011, as a result of the alleged actions and omissions of City of Newark agents and/or employees; and

**WHEREAS**, a settlement proposal has been made to resolve this litigation in its entirety by execution of the Settlement Agreement and Release (attached) and payment in the total amount of One Hundred Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00) ("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 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 in the amount of \$175,000.00 (One Hundred Seventy-Five Thousand Dollars and Zero Cents), which payment will be made jointly payable to “Kelly McCluney and Lorenzo McCluney and Barbosa Donovan” and mailed to Barbosa Donovan, 70 South Orange Avenue, Livingston, New Jersey 07039.
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 from Business Unit NW025, Dept. ID 25T, Division/Project 5T25 and Account #96320, in the amount of One Hundred Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00), 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 Kelly McCluney and Lorenzo McCluney v. City of Newark et al, Docket No. ESX-L-168-13, in the amount of One Hundred Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00), in exchange for Plaintiff’s dismissal of any and all claims against the City of Newark and its agents and employees, and a complete release.