



## Legislation Details (With Text)

**File #:** 19-0770      **Version:** 1      **Name:** Kwende - Civil Settlement  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/1/2019      **In control:** Law  
**On agenda:** 6/6/2019      **Final action:** 6/6/2019  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Civil Litigation  
Docket No.: ESX-L-7821-15  
Claimant: Kossen Kwende  
Claimant's Attorney: Douglas D. Burgess, Esq.  
Attorney's Address: Icaza Burgess & Grossman, P.C.,  
550 Broad Street, Suite 703, Newark, New Jersey 07102  
Settlement Amount: \$150,000.00  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Corporation Counsel  
**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/6/2019	1	Municipal Council	Adopt	Pass

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**WHEREAS**, Plaintiff, Kossen Kwende, instituted a suit in the Superior Court of New Jersey, Law Division, Essex County, captioned, Kossen Kwende v. City of Newark, et al., Docket No. ESX-L-7821-15, in which the plaintiff sought recovery of damages for personal injury, as a result of a motor vehicle accident with a Public Safety/Newark Fire Division vehicle, as a result of the alleged actions and omissions of the City of Newark and/or its agents; and

**WHEREAS**, a settlement proposal has been made to resolve this litigation in its entirety by execution of a Settlement Agreement and Release and payment in the total amount of One Hundred and Fifty Thousand Dollars and Zero Cents (\$150,000.00)("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 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 \$150,000.00 (One Hundred and Fifty Thousand Dollars and Zero Cents), which payment will be made jointly to “Kossen Kwende and Icaza Burgess & Grossman, P.C.” and which payment will be mailed to Douglas D. Burgess, Esq., Icaza Burgess & Grossman, P.C., 550 Broad Street, Suite 703, Newark, New Jersey 07102.
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 25T, Division/Project 5T25, and Account #96320, Budget Ref: B2019, in the amount of \$150,000.00 (One Hundred and Fifty Thousand Dollars and Zero Cents), for the purpose set forth herein.
4. The Corporation Counsel shall file a copy of the Comptroller’s Certification in the Office of the City Clerk along with this resolution.
5. The 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 Corporation Counsel on behalf of the City of Newark to enter into a Settlement Agreement and Release to resolve civil litigation captioned, Kossen Kwende v. City of Newark, et al., Docket No. ESX-L-7821-15, in the amount of One Hundred and Fifty Thousand Dollars and Zero Cents (\$150,000.00), in exchange for the Plaintiff’s dismissal of any and all claims against the City of Newark and its employees, and a complete release.