



Legislation Details (With Text)

File #: 20-0167 **Version:** 1 **Name:** Flores - Civil Settlement
Type: Resolution **Status:** Adopted
File created: 1/24/2020 **In control:** Law
On agenda: 3/4/2020 **Final action:** 3/4/2020
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: ESX-L-429-17
Claimant: Maria Flores
Claimant's Attorney: Mark T. McMenemy, Esq.
Attorney's Address: Bressler, Amery & Ross, P.C., 325 Columbia Turnpike, Florham Park, New Jersey 07932
Settlement Amount: \$600,000.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/4/2020	1	Municipal Council	Adopt	Pass

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WHEREAS, Plaintiff, Maria Flores, instituted a suit in the Superior Court of New Jersey, captioned Maria Flores v. City of Newark and Michelle Cote, Docket No. ESX-L-429-17, in which the plaintiff sought recovery for damages allegedly sustained on January 19, 2015, as a result of the alleged actions and omissions of the City of Newark and/or its agent; and

WHEREAS, a proposal has been made to resolve this litigation in its entirety by execution of the Settlement Agreement and Release and payment in the total amount of Six Hundred Thousand Dollars and Zero Cents (\$600,000.00), divided into two (2) payments of Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) ("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 attached 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 \$600,000.00 (Six Hundred Thousand Dollars and Zero Cents), which payment will be divided into two (2) payments of \$300,000.00 (Three Hundred Thousand Dollars and Zero Cents) each. The first of these payments shall be made not later than March 15, 2020, and the second of these payments shall be made not later than December 15, 2020, each made jointly payable to "Maria Flores and Bressler, Amery and Ross, P.C." and mailed to Bressler, Amery & Ross, P.C., 325 Columbia Turnpike, Florham Park, New Jersey 07932.
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. 25T, Division/Project 5T25 and Account #96320, in the amount of Six Hundred Thousand Dollars and Zero Cents (\$600,000.00) 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 Maria Flores v. City of Newark and Michelle Cote, Docket No. ESX-L-429-17, in the amount of Six Hundred Thousand Dollars and Zero Cents (\$600,000.00), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.