# Legislation Details (With Text)

| | | | | | |
|---|---|---|---|---|---|
| **File #:** | 22-1050 | **Version:** | 1 | **Name:** | Resolution: Settlement of Civil Litigation - Widmaier Estate |
| **Type:** | Resolution | | | **Status:** | Adopted |
| **File created:** | 7/25/2022 | | | **In control:** | Law |
| **On agenda:** | 11/2/2022 | | | **Final action:** | 11/2/2022 |
| **Title:** | Dept/ Agency: Law<br>Action: ( ) Ratifying (X) Authorizing ( ) Amending<br>Purpose: Settlement of Civil Litigation<br>Docket No.: Civil Action No. 2:16-cv-2533(JMV-MF)<br>Claimant: Nancy Widmaier and Vincent A. Widmaier<br>Claimant's Attorney: James C. Dezao, Esq.<br>Settlement Amount: $150,000.00<br>Funding Source: Insurance Trust Fund<br>Additional Comments: | | | | |
| **Sponsors:** | Council of the Whole | | | | |
| **Indexes:** | | | | | |
| **Code sections:** | | | | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 11/2/2022 | 1 | Municipal Council | Adopt | Pass |

**Dept/ Agency:** Law
**Action:** ( ) Ratifying (X) Authorizing ( ) Amending
**Purpose:** Settlement of Civil Litigation
**Docket No.:** Civil Action No. 2:16-cv-2533(JMV-MF)
**Claimant:** Nancy Widmaier and Vincent A. Widmaier
**Claimant's Attorney:** James C. Dezao, Esq.
**Settlement Amount:** $150,000.00
**Funding Source:** Insurance Trust Fund
**Additional Comments:**

**WHEREAS,** Plaintiff, captioned Nancy Widmaier and Vincent A. Widmaier, in their capacity as limited administrator for the Estate of Michael Widmaier, instituted a suit in the United States District Court for the District of New Jersey captioned Nancy Widmaier and Vincent A. Widmaier, individually and as Administrator Ad Prosequendum for the Estate of Michael Widmaier v. City of Newark et al., Civil Action No. 2:16-cv-2533(JMV-MF), in which the Plaintiff sought recovery for damages allegedly sustained in 2015 for the alleged violations of his constitutional rights and for tort injuries; and

**WHEREAS,** a settlement proposal has been made to resolve this litigation in its entirety by payment in the total amount of One Hundred Fifty Thousand Dollars and Zero Cents ($150,000.00) (the “Settlement Sum”), and execution of a Settlement Agreement and Release; and

**WHEREAS,** to avoid the costly expense of litigation, the Parties and the City’s

Corporation Counsel desire to amicably resolve this matter with payment by the City of Newark of the Settlement Sum, in exchange for Plaintiff's execution of the Settlement Agreement and Release (attached) as a full and complete release of the matter; and

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

**NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The City's Corporation Counsel is hereby authorized on behalf of the City of Newark to enter into, execute and accept the terms of the Settlement Agreement and Release, attached hereto.

2. Upon receipt by the City's Corporation Counsel of all documents deemed necessary, the Director of the Department of Finance is hereby authorized and directed to issue payment in the amount of One Hundred Fifty Thousand Dollars and Zero Cents ($150,000.00), which payment will be made payable to: "JAMES C. DEZAO Trust Account" and mailed to the Law Offices of James C. Dezao, P.A., 322 Route 46 West, Suite 120, Parsippany, New Jersey 07054.

3. Annexed hereto is the Certification of Funds issued by the Director of the Department of Finance, 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 Fifty Thousand Dollars and Zero Cents ($150,000.00) 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 and Release in the Office of the City Clerk.

6. This Resolution shall be effective upon adoption in accordance with applicable State Law.

7. The Settlement Agreement and Release and Resolution does not admit, nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of the Corporation Counsel and to eliminate all risks and future litigation costs.

**STATEMENT**

This Resolution authorizes the Corporation Counsel, on behalf of the City of Newark to enter into and execute a Settlement Agreement and Release to settle civil litigation captioned Nancy Widmaier and Vincent A. Widmaier, individually and as Administrator Ad Prosequendum for the Estate of Michael Widmaier v. City of Newark et al., Civil Action No. 2:16-cv-2533(JMV-MF), in the amount of $150,000.00, in exchange for Plaintiff's dismissal of any and all

claims against the City of Newark and its employees, and a complete release.