



Legislation Details (With Text)

File #: 23-0178 **Version:** 1 **Name:** Maraziti Falcon, LLP Pre-Litigation Settlement of Civil Claim
Type: Resolution **Status:** Adopted
File created: 1/27/2023 **In control:** Law
On agenda: 3/15/2023 **Final action:** 3/15/2023

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Pre-Litigation Settlement of Civil Claim
Docket No.: Not Applicable
Claimant: Maraziti Falcon, LLP
Claimant's Attorney: Maraziti Falcon, LLP, 240 Cedar Knolls Road, Suite 301, Cedar Knolls, New Jersey 07927
Settlement Amount: \$102,212.45
Funding Source: 2022 Budget/Department of Law/Business Unit: NW025, Dept. ID: 25T, Division/Project: 5T25, Account #96320, Budget Ref. B2022
Additional Comments:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/15/2023	1	Municipal Council	Adopt	Pass

Dept/ Agency: Law

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Additional Comments:

WHEREAS, from January 1, 2020 through November 30, 2022, the City of Newark (the "City") utilized the environmental legal services of Maraziti Falcon, LLP; and

WHEREAS, a settlement proposal has been made to resolve this pre-litigation matter in its entirety by payment in the total amount of One Hundred Two Thousand Two Hundred Twelve Dollars and Forty-Five Cents (\$102,212.45) ("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 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 Corporation Counsel, based upon all facts and circumstances presented, deems it is in the best interest of the City 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 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 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 Two Thousand Two Hundred Twelve Dollars and Forty-Five Cents (\$102,212.45), which payment will be made payable to: "Maraziti Falcon, LLP" and mailed to: the Law Offices of Maraziti Falcon, LLP, 240 Cedar Knolls Road, Suite 301, Cedar Knolls, New Jersey 07927.
3. Annexed hereto is the Certification of Funds issued by the City's 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 Two Thousand Two Hundred Twelve Dollars and Forty-Five Cents (\$102,212.45) 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 the civil claim pertaining to January 1, 2020 through November 30, 2022, in the amount of \$102,212.45, in exchange for Maraziti Falcon, LLP's dismissal of any and all claims against the City of Newark and its employees, and a complete

release.