



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-2408, Version: 1

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Purpose: Settlement of Demand for Payment of Legal Fees

Docket No.: Pre-Suit

Claimant: Pickett & Craig, Attorneys at Law

Claimant's Attorney: None

Attorney's Address: 80 Main Street Suite 430, West Orange, New Jersey

Settlement Amount: \$92,995.00

Funding Source: City of Newark Budget/Office of the City Clerk

Additional Comments:

80 Main Street, Suite 430, West Orange, New Jersey 07052

Invitation: Corporation Counsel , December 17, 2013

WHEREAS, then Council Member and now Municipal Council President, Mildred C. Crump and Council Member Ras J. Baraka (hereinafter, the Municipal Council Members), were in need of immediate legal services for two (2) litigated matters (entitled "Cory Booker, et al, Plaintiffs vs Ronald C. Rice," et al, Docket No.: L-8586-12, and "Ras Baraka, et al vs Robert Marasco, et al," Docket No.: L-8636-12, and related appeals) (hereinafter, the "Litigations"), which both related to a legal dispute concerning the filling of the Municipal Council seat left vacant by the resignation of the former Municipal Council President, now United States Representative Donald M. Payne, Jr.; and

WHEREAS, the Office of the City Clerk, on behalf of the Municipal Council members, hired Pickett & Craig, Attorneys at Law, who maintain offices at 80 Main Street, Suite 430, West Orange, New Jersey 07052, to provide the necessary legal services in the Litigations, which engagement was not subject of a contract authorized by Municipal Council; and

WHEREAS, the Deputy City Clerk has confirmed that the Municipal Council Members received the benefit of those services; and

WHEREAS, the Deputy City Clerk has confirmed that Pickett & Craig has submitted invoices and/or statements of account supporting those charges; and

WHEREAS, the Acting Director of the Department of Finance has certified that there are adequate, appropriated monies available to pay the outstanding balance due from the 2013 City of Newark Budget; and

WHEREAS, the parties have agreed to settle the matter for the payment by the City of Newark of the sum of \$92,995.00 in one lump sum, in exchange for the execution of a Settlement Agreement and General Release as a full and complete settlement of all of Pickett & Craig, Attorneys at Law's claims for payment for services rendered to the Municipal Council Members, including any claims for interest or attorney's fees; and

WHEREAS, the within settlement and release 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, Municipal Council Members and/or employees whatsoever and is entered into to eliminate all risks and future litigation costs; and

WHEREAS, the City has determined that it is in the best interest of the taxpayers to avoid the cost, expense, delay and uncertainty of litigation, if this matter proceeded to litigation.

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 negotiate and execute a Settlement Agreement and Release and any other documents, sufficient in form and content to the Corporation Counsel and to take whatever actions are necessary to effectuate the terms of the within resolution and settlement of this matter pursuant to the terms contained in the within Resolution.
 2. The Municipal Council of the City of Newark hereby authorizes the payment by check made payable to Pickett & Craig, Attorneys at Law, in the amount of \$92,995.00 (Ninety Two Thousand, Nine Hundred Ninety Five Dollars), which check shall be mailed to 80 Main Street, Suite 430, West Orange, New Jersey 07052, as consideration of and pursuant to the terms and conditions contained in the Settlement Agreement and Release annexed hereto.
 3. In exchange for execution of the Settlement Agreement and Release by Pickett & Craig, Attorneys at Law, acceptable in form to Corporation Counsel and after passage of this resolution and upon receipt by the Corporation Counsel and the Director of Finance of any and all other documents deemed necessary, the Director of Finance of the City of Newark is hereby authorized to issue a check made payable to Pickett & Craig, Attorneys at Law, in the amount of \$92,995.00 (Ninety Two Thousand, Nine Hundred Ninety Five Dollars).
4. The within settlement 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, Municipal Council Members and/or employees whatsoever and is entered into based upon recommendations of counsel and to eliminate all risks and future litigation costs.
5. Attached hereto is a certification of funds issued by the Acting Director of Finance, City of Newark, which states that there are available sufficient, legally appropriated funds of \$92,995.00 (Ninety Two Thousand, Nine Hundred Ninety Five Dollars), for the purposes set forth hereinabove. A copy of the certification of funds issued shall be filed in the Office of the City Clerk together with this Resolution by the Corporation Counsel.
6. A fully executed copy of the Settlement Agreement and Release shall be filed in the Office of the City Clerk by the Corporation Counsel.

7. This Resolution shall be effective upon adoption in accordance with applicable State law.

STATEMENT

This resolution authorizes the settlement of a demand for payment from Pickett & Craig, Attorneys at Law, in the amount of \$92,995.00 (Ninety Two Thousand, Nine Hundred Ninety Five Dollars), in exchange for the execution of a Settlement Agreement and Release.