



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-0022, **Version:** 2

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: PAS-L-2161-18

Claimant: Metropolitan Foods d/b/a Driscoll Foods

Claimant's Attorney: Gregg A. Ilardi, Esq.

Attorney's Address: 174 Delawanna Avenue, Clifton, New Jersey 07014

Settlement Amount: \$484,322.02

Funding Source: 2016 Budget/Department of Health and Community Wellness/NW051-G16-6H6B0-72020-B2016

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, Plaintiff, Metropolitan Foods d/b/a Driscoll Foods, instituted a suit captioned Metropolitan Food d/b/a Driscoll Foods v. City of Newark/Sunup, Superior Court of New Jersey, Law Division, Passaic County, Docket No. PAS-L-2161-18, in which the plaintiff sought recovery for damages for the breach of a contract with the City of Newark; and

WHEREAS, a settlement proposal has been made to resolve this litigation in its entirety by execution of the attached Settlement Agreement and Release, and payment in the total amount of \$484,322.02 (Four Hundred Eighty-Four Thousand, Three Hundred Twenty-Two Dollars, and Two Cents) ("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 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 of the sum of \$484,322.02 (Four Hundred Eighty-Four Thousand, Three Hundred Twenty-Two Dollars, and Two Cents), which payment will be made jointly payable to "Driscoll Foods" and which payment will be mailed to Gregg A. Ilardi, Esq., 174 Delawanna Avenue, Clifton, New Jersey 07014.

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 in the amount of \$484,322.02 (Four Hundred Eighty-Four Thousand, Three Hundred Twenty-Two Dollars, and Two Cents) for the purpose set forth herein.
4. A copy of the Finance Director's Certification shall be filed in the Office of the City Clerk along with a copy of this resolution.
5. The Corporation Counsel shall file a fully executed copy of the Settlement Agreement and the Certificate of Funds in the Office of the City Clerk.

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 Metropolitan Food d/b/a Driscoll Foods v. City of Newark/Sunup, Superior Court of New Jersey, Law Division, Passaic County, Docket No. PAS-L-2161-18, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.