



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-1317, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: ESX-L-5940-17

Claimant: Arthur M. Mauriello

Claimant's Attorney: Lisa Manshel, Esq., Manshel Law, LLC

Attorney's Address: 25B Hanover Road, Suite 130, Florham Park, New Jersey 07932

Settlement Amount: \$650,000.00

Funding Source: Judgment Fund

Additional Comments:

Settlement amount payable in two (2) installments of \$325,000.00 each;

1st Installment due November 15, 2019, 2nd Installment due February 1, 2020

Invitation: Corporation Counsel

WHEREAS, a suit was instituted in Superior Court of New Jersey, Essex Vicinage, captioned Arthur M. Mauriello v. City of Newark and Former Newark Fire Director James Stewart, Docket No. ESX-L-5940-17, in which the plaintiff sought recovery of damages for personal injury, as a result of alleged discrimination by the City and Former Newark Fire Director James Stewart arising from plaintiff's former employment with the Department of Public Safety, Fire Division; and

WHEREAS, the City and Former Newark Fire Director James Stewart are represented in the Litigation by Outside Counsel assigned by the City; and

WHEREAS, a proposal has been made to resolve this litigation in its entirety by payment in the total amount of \$650,000.00 (Six Hundred Fifty Thousand Dollars and Zero Cents) ("Settlement Sum"); which payment shall be made in two (2) installments, due on November 15, 2019 and February 1, 2020, each in the total amount of \$325,000.00 (Three Hundred Twenty-Five Thousand Dollars and Zero Cents); and

WHEREAS, the Corporation Counsel based upon all facts and circumstances, 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 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 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 \$650,000.00 (Six

Hundred Fifty Thousand Dollars and Zero Cents), which payments will be made in two (2) installments each in the total amount of \$325,000.00 (Three Hundred Twenty-Five Thousand Dollars and Zero Cents).

3. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Director of Finance is hereby authorized and directed to issue the following installment checks divided in the amounts as follows:

- (a) The first installment of \$325,000.00 (Three Hundred Twenty-Five Thousand Dollars and Zero Cents) due on November 15, 2019, shall be paid as follows: (1) one check in the amount of \$216,666.67 payable to "Arthur M. Mauriello" and reported to "Arthur M. Mauriello" by the City on an IRS Form 1099 with box 3 "other income" checked off; and (2) one check in the amount of \$108,333.33 payable to "Manshel Law, LLC" and reported to "Manshel Law, LLC" by the City on an IRS Form 1099. Both settlement checks shall be delivered to Lisa Manshel, Esquire at Manshel Law, LLC, 25B Hanover Rd., Suite 130, Florham Park, New Jersey 07932.
- (b) The second installment of \$325,000.00 (Three Hundred Twenty-Five Thousand Dollars and Zero Cents) due February 1, 2020, shall be paid as follows: (1) one check in the amount of \$216,666.67 payable to "Arthur M. Mauriello" and reported to "Arthur M. Mauriello" by the City on an IRS Form 1099 with box 3 "other income" checked off; and (2) one check in the amount of \$108,333.33 payable to "Manshel Law, LLC" and reported to "Manshel Law, LLC" by the City on an IRS Form 1099. Both settlement checks shall be delivered to Lisa Manshel, Esquire at Manshel Law, LLC, 25B Hanover Rd., Suite 130, Florham Park, New Jersey 07932.

1. Attached hereto are the Certifications of Funds issued by the Director of Finance, City of Newark, which states that there are available sufficient legally-appropriated funds from Business Unit NW025, Dept. 25T, Division/Project 5T25, and Account #96320, Budget Ref.: B2019, in the amount of \$650,000.00 (Six Hundred Fifty Thousand Dollars and Zero Cents), for the purpose set forth herein.

2. 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.

3. A fully executed copy of the Settlement Agreement and Release shall be filed in the Office of the City Clerk by the Corporation Counsel.

4. 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 resolve civil litigation in the Superior Court of New Jersey, Essex Vicinage, captioned Arthur M. Mauriello v. City of Newark and Former Newark Fire Director James Stewart, Docket No. ESX-L-5940-17, in the amount of \$650,000.00, payable in two (2) installments of \$325,000.00: first installment due November 15, 2019, second installment due February 1, 2020, in exchange for the dismissal of any and all claims against the City of Newark and its employees, and a complete release.