



## Legislation Text

File #: 25-0409, Version: 1

**Dept/ Agency:** Law

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

**Purpose:** Settlement of Civil Litigation

**Docket No.:** ESX-L-001789-21

**Claimant:** Ricardo Palacios

**Claimant's Attorney:** Paul A. Garfield, Esq., Davis, Saperstein & Salomon, P.C.

**Attorney's Address:** 375 Cedar Lane, Teaneck, New Jersey 07666-3432

**Settlement Amount:** \$125,000.00

**Funding Source:** Insurance Trust, Business Unit: NW025; Dept.: 25T; Div./Proj.: 7T25; Account #: 96340; Budget Ref.: B2025

**Additional Information:**

**Deferred 7R6-g 040225**

**WHEREAS**, Plaintiff, Ricardo Palacios, instituted a suit in the Essex County Superior Court, captioned Ricardo Palacios v. City of Newark et al., Docket No. ESX-L-001789-21, in which the plaintiff sought recovery for damages allegedly sustained on or about May 18, 2020, as a result of the alleged actions of the City of Newark; and

**WHEREAS**, a settlement proposal has been made to resolve this litigation in its entirety by agreeing to the terms of the Settlement Agreement and Release and by payment in the total amount of One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00) ("Settlement Sum"); and

**WHEREAS**, the 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 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 One Hundred Twenty-Five Thousand Dollars and Zero Cents(\$125,000.00), which payment will be made jointly payable to "Ricardo Palacios and Davis, Saperstein & Salomon, P.C.", and which payment will be mailed to Davis, Saperstein & Salomon, P.C., 375 Cedar Lane, Teaneck, New Jersey 07666-3432.
3. Annexed hereto is the Certification of Funds issued by the Director of the Department of

Finance, City of Newark, which states that there are available sufficient legally-appropriated funds in the following account: Business Unit: NW025; Dept.: 25T; Div./Proj.: 7T25; Account #: 96340; Budget Ref.: B2025, in the amount of One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00) 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. The Settlement Agreement and Release nor this Resolution admits, 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.
7. 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, in settlement of civil litigation captioned Ricardo Palacios v. City of Newark et al., Docket No. ESX-L- 001789-21, in the amount of One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and/or its agents, officers, and employees, and it constitutes a complete release.