Legislation Text

File #: 25-0890, **Version:** 1

Dept/ Agency: Law
Action: ( ) Ratifying (X) Authorizing ( ) Amending
Purpose: Settlement of Civil Litigation
Docket No.: Civil Action No.: 2:19-CV-17499
Claimant: Reginald Curtis
Claimant's Attorney: Christopher Roberts, Esq., 7 Glenwood Avenue Suite 401, East Orange, New Jersey 07017
Settlement Amount: $250,000.00
Funding Source: Insurance Trust Fund
Additional Information:

WHEREAS, Plaintiff, captioned Reginald Curtis v. City of Newark, Civil Action No. 2:19-cv-17499*,* in which the plaintiff sought recovery for damages allegedly sustained in 2019 for the alleged violations of age discrimination; and

WHEREAS, a settlement proposal has been made to resolve this litigation in its entirety by payment in the total amount of Two Hundred Fifty Thousand Dollars and Zero Cents ($250,000.00) ("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 Newark 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 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 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 $250,000.00 (Two Hundred Fifty Thousand Dollars and Zero Cents) for payments that shall be made as follows: (1) to Plaintiff in the amount of $166,639.00 (One Hundred Sixty Six Thousand Six Hundred Thirty Nine Dollars and Zero Cents) made payable to "Reginald Curtis" subject to all applicable withholdings and for which the City of Newark shall issue a tax form 1099, and Reginald Curtis, 515 Aviemore Drive,

Townsend, DE 19734 and (2) to Plaintiff's Attorney in the amount of $83,361.00 (Eighty Three Thousand Three Hundred Sixty One Hundred Dollars and Zero Cents) made payable to "Christopher Roberts, Esq." subject to all applicable withholdings and for which the City of Newark shall issue a tax form 1099 and mailed to Law Office of Christopher C. Roberts, LLC, 7 Glenwood Avenue Suite 401, East Orange, New Jersey 07017.

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 from Business Unit NW025, Dept. ID 25T, Division/Project 5T25 and Account #96320, in the amount of Two Hundred Fifty Thousand Dollars and Zero Cents ($250,000.00) 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 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 a Settlement Agreement and Release to settle civil litigation captioned "Reginald Curtis v. City of Newark", Civil Action No.2:19-CV-17499 in the amount of Two Hundred Fifty Thousand Dollars and Zero Cents ($250,000.00), in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees, and a complete release.

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