File #: 25-1493, **Version:** 1

Dept/ Agency: Law
Action: ( ) Ratifying (X) Authorizing ( ) Amending
Purpose: Settlement of Civil Litigation
Docket No.: Civil Action No.2:08-CV-03660-KSH-CLW
Claimant: Anthony Kerr
Claimant's Attorney: Kenneth J. Hall, Esq., E. Orange, New Jersey 07042
Settlement Amount: $400,000.00
Funding Source: Insurance Trust Fund
Additional Information:

WHEREAS, Plaintiff, captioned Anthony J. Kerr v. City of Newark, Civil Action No.2:08-CV-03660-KSH-CLW, in which the plaintiff sought recovery for damages allegedly sustained in 2008 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 Four Hundred Thousand Dollars and Zero Cents ($400,000.00) ("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 Four Hundred Thousand Dollars and Zero Cents ($400,000.00) in which payments shall be made as follows: payments will commence yearly in 2026 for three years in equal payments of One Hundred Twenty Thousand Dollars and Zero Cents ($120,000.00) and a one-time payment of Forty Thousand Dollars and Zero Cents ($40,000.00) made payable to "Kenneth J. Hall, Esq." for attorney's fees made jointly payable to "Anthony

Kerr and Kenneth J. Hall, Esq." and which payment will be mailed to 111 Hollywood Avenue, Fl. 2, East Orange, New Jersey 07018.

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 Four Hundred Thousand Dollars and Zero Cents ($400,000.00) 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. This Resolution shall be effective upon adoption in accordance with applicable State Law.

7. 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 "Anthony Kerr v. City of Newark, Docket No.: 2:08-CV-03660-KSH-CLW in the amount of Four Hundred Thousand Dollars and Zero Cents ($400,000.00), 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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