

Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 18-192

Agenda No. 10.Z.10

Approved: FEB 28 2018

TITLE:



RESOLUTION AUTHORIZING THE SETTLEMENT OF THE ACTION ENTITLED PHILBERT ALVAREZ v. CITY OF JERSEY CITY, JERSEY CITY INCINERATOR AUTHORITY, ET AL.

COUNCIL

offered and moved adoption of the following resolution:

WHEREAS, plaintiff Philbert Alvarez filed suit against the City of Jersey City, et al. in the Hudson County Superior Court under docket no. HUD-L-4755-15; and

WHEREAS, the complaint alleges that the City of Jersey City together with co-defendants wrongfully seized, converted and auctioned plaintiff's vehicle to a third party in October 2014; and

WHEREAS, the Corporation Counsel has recommended a settlement to pay the plaintiff the total sum of \$20,000.00 because of the litigation risks involved; and

WHEREAS, the plaintiff agreed to accept a total payment of \$20,000 from the City of Jersey City to settle his claims against the City of Jersey City in the above referenced matter and will sign the required settlement documents including a release and stipulation of dismissal; and

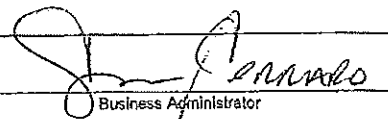
WHEREAS, the necessary funds for this settlement are available in the City of Jersey City Insurance Fund Commission Accounts.

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Jersey City that:

1. The Corporation Counsel be authorized to settle this lawsuit for \$20,000.00.
2. The Jersey City Insurance Fund Commission be authorized to issue a check in the amount of \$20,000.00 payable to "Gaul, Baratta & Rosello, attorneys for Philbert Alvarez."

I hereby certify that funds for this expenditure are available in the City of Jersey City Insurance Fund Commission Accounts.

APPROVED:


Business Administrator

APPROVED AS TO LEGAL FORM

APPROVED:


Corporation Counsel

Certification Required ☐

Not Required ☐

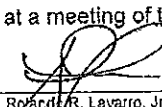
APPROVED 8-0


RECORD OF COUNCIL VOTE ON FINAL PASSAGE 2.28.18											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	ABSENT		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.


Roland R. Lavarro, Jr., President of Council


Robert Byrne, City Clerk

GENERAL RELEASE

By this General Release dated March 6, 2018, **Philbert Alvarez** (known hereinafter as the "Releasor"), as Releasor and plaintiff in a Civil Action filed in the Hudson County Superior Court of New Jersey bearing Docket No.: HUD-L-4755-15 does, for himself, his successors, attorneys and assigns, for the consideration described below, hereby forever release, discharge and give up, as against the defendants, **City of Jersey City** and **Christopher Daliani** (known collectively hereinafter as the "Releasees"), every claim, cause of action, demand and right of every type and kind, known or unknown, accrued or not accrued, raised or which could have been raised in the above mentioned Civil Action. Releasor acknowledges and agrees that any such liens, attorney's fees and expenses will be paid and satisfied from the settlement proceeds. Furthermore, Releasor consents to a dismissal, with prejudice, of the Civil Action referenced above.

In consideration and exchange for this General Release, the City of Jersey City agrees on behalf of and for the benefit of all Releasees named in this General Release, to pay to Releasor the total sum of **TWENTY THOUSAND (\$20,000.00) DOLLARS**, subject to approval, as required by law, of the Municipal Council of the City of Jersey City, in full and complete satisfaction of any and all claims made or which could have been made by Releasor against Releasees.

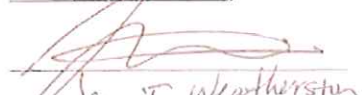
For and in consideration of the above sum, the undersigned hereby agrees to satisfy all liens or encumbrances which may apply to the above sum including but not limited to medical providers, medical insurance companies, HMO's, Medicare, Medicaid liens, Workers' Compensation liens, child support liens and any and all subrogation claims and hereby agrees to indemnify all the above named Releasees and their respective insurance carriers against any further liability for the satisfaction of any such liens or encumbrances.

This Release does not constitute an admission of liability by the Releasees and the Releasor acknowledges that none of the Releasees admit that they have done anything wrong, and Releasees maintain that they have not violated or abridged any federal, state, or local law or ordinance, or any contract or any right or obligation that it or they may owe or may have owed to Releasor.

Releasor acknowledges that he read this General Release and is signing it voluntarily. Releasor acknowledges that he has had the opportunity to review the Release with the assistance of counsel or has decided to waive the opportunity to confer with his counsel. Releasor acknowledges that there have been no promises or representations made which are not contained within this document and that Releasor signs this General Release as his voluntary act intending to release and discharge any and all claims and obligations between Releasor and Releasees.


Philbert Alvarez

Subscribed and Sworn to
before me this 6th day of
March, 2018.


Jay T. Weatherston
Atty. # 907882012