

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

City Clerk File No. Res. 18-405
Agenda No. 10.Z.17
Approved: APR 25 2018
TITLE:



RESOLUTION AUTHORIZING THE SETTLEMENT OF THE LAWSUIT GERSONITA MALAFAI SILVA V. CITY OF JERSEY CITY, ET AL.

COUNCIL

offered and moved adoption of the following Resolution:

WHEREAS, Gersonita Malafai Silva, ("Plaintiff") filed a lawsuit in the Hudson County Superior Court bearing Docket No.: HUD-L-2255-16 after she slipped and fell on wet floor during a volleyball clinic being held at the Charlie Heger Ice Rink conducted by the Lincoln Park Volleyball on June 13, 2014; and

WHEREAS, the Corporation Counsel has recommended a settlement in the amount of \$30,000.00 because of the litigation risk involved; and

WHEREAS, the plaintiff agreed to this settlement and have signed all required releases and dismissed the lawsuit with prejudice; and

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

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 \$30,000.00.
2. The Jersey City Insurance Fund Commission be authorized to issue a check in the amount of \$30,000.00 payable to plaintiff.

IGW/cw

APPROVED: _____

APPROVED AS TO LEGAL FORM

APPROVED: [Signature]
Business Administrator

[Signature]
Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED 8-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 4.25.18											
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.

[Signature]
Randy R. Lavarro, Jr., President of Council

[Signature]
Robert Byrne, City Clerk

RELEASE AND SETTLEMENT AGREEMENT

MATTER: Gersonita Malafaia Silva vs. City of Jersey City, Charlie Heger Ice Rink, Pershing Field Ice Rink, Et Al.

DOCKET NO.: HUD-L-2255-16

By this General Release dated 22ND of February, 2018, Gersonita L. Malafaia Silva (known hereinafter as the "**Releasor**"), as Releasor and plaintiff in a Civil Action filed in the Superior Court of New Jersey-Hudson County under Docket No. HUD-L-2255-16, does for herself, her successors, heirs, attorneys and assigns, for the consideration described below, hereby forever release, discharge and give up, as against the defendants and **Releasees, City of Jersey City, Charlie Heger Ice Rink and Pershing Field Ice Rink**, every claim, cause of action, demand and right of every type and kind, known or unknown, raised or which could have been raised in the above mentioned Civil Action. Releasor acknowledges and agrees that any such liens, attorney's fees, expenses and costs of suit will be paid and satisfied from the settlement proceeds. Furthermore, Releasor consents to a dismissal, with prejudice, against the Releasees of the Civil Action referenced above.


In consideration and exchange for this General Release, the City of Jersey City agrees on behalf of itself and for the benefit of all Releasees named in this General Release, to pay to Releasor the sum of THIRTY THOUSAND (\$30,000.00) DOLLARS, subject to approval, as required by law, of the Municipal Council of the City of Jersey City and/or the City of Jersey City Insurance Fund Commission, 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, and any and all subrogation claims and hereby agrees to indemnify the above Releasees and their respective insurance carriers against any further liability for the satisfaction of any such liens or encumbrances.

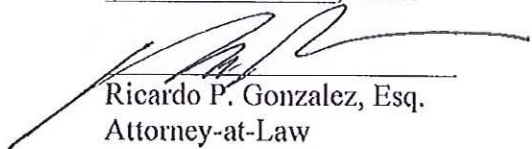
Releasor acknowledges that none of the Releasees admit that it or they have done anything wrong, and the Releasees maintain that they have not violated or abridged any federal, state, or local law or ordinance, or any contract or any right or obligation that it or they may owe or may have owed to Releasor.

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

THIS IS A RELEASE: READ BEFORE SIGNING.


Gersonita L. Malafaia, Releasor

Subscribed and Sworn to
before me this 22nd day of
FEBRUARY, 2018.


Ricardo P. Gonzalez, Esq.
Attorney-at-Law
State of New Jersey