

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

City Clerk File No. Res. 17-363

Agenda No. 10.Y

Approved: APR 26 2017

TITLE:



RESOLUTION AUTHORIZING THE SETTLEMENT OF THE SUIT OF DORIAN PRESSLEY V. EAST DISTRICT PRECINCT, ET AL.

COUNCIL
following Resolution:

offered and moved adoption of the

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

WHEREAS, Dorian Pressley ("plaintiff") having filed suit against the City of Jersey City, et al. in the United States District Court, Civil Case No. 09-cv-3215; and

WHEREAS, the Complaint alleges that the plaintiff's civil rights were violated by the members of the Jersey City Police Department; and

WHEREAS, the Corporation Counsel has recommended a settlement in the amount of \$10,000.00 because of the litigation risk involved; and

WHEREAS, plaintiff has agreed to this settlement and will sign all required 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 \$10,000.00.
2. The Jersey City Insurance Fund Commission be authorized to issue a check in the amount of \$10,000.00 payable to plaintiff.

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

Matthew Hogan, Risk Manager

APPROVED: [Signature]

APPROVED AS TO LEGAL FORM

APPROVED: [Signature]
Business Administrator
Asst.

[Signature]
Corporation Counsel

Certification Required ☒

Not Required ☐

APPROVED 8-1

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 4.26.17											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI		ABSENT		YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMAN	✓		
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]
Rolando R. Lavarro, Jr., President of Council

[Signature]
Robert Byrne, City Clerk

GENERAL RELEASE

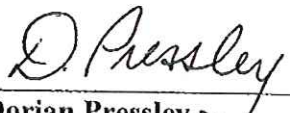
By this General Release dated April 21, 2017, **Dorian Pressley** (known hereinafter as the "Releasor"), as Releasor and plaintiff in a Civil Action filed in the United States District Court bearing Civil Action No.: **09-cv-3215** does, for himself, his successors, attorneys and assigns, for the consideration described below, hereby forever release, discharge and give up, as against the defendants and Releasees, **Stephen Trowbridge, Anthony Goodman, Travis Ragland, Carlos Lugo, Lashauna Swinney and Michael Burgess**, 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 acknowledge 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 sum of **TEN THOUSAND (\$10,000.00) 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.

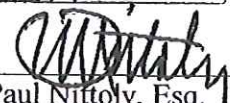
For and in consideration of the above sum, the undersigned hereby agrees to satisfy all liens or encumbrances which may apply to the above sum including but not limited to medical providers, medical insurance companies, HMO's, Medicare, Medicaid liens, Workers' Compensation liens, and any and all subrogation claims and hereby agrees to indemnify all the above names 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 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. 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.


Dorian Pressley

Subscribed and Sworn to
before me this 21 day of
April, 2017.


Paul Nittoly, Esq.
Attorney-at-Law
State of New Jersey