

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

City Clerk File No. Res. 18-301

Agenda No. 10.J

Approved: MAR 28 2018

TITLE:



RESOLUTION AUTHORIZING THE SETTLEMENT OF THE SUIT OF SHAWN BROWN V. CITY OF JERSEY CITY, 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, Shawn Brown ("plaintiff") having filed suit against the City of Jersey City, et al. in the United States District Court, bearing Civil Case No. 12-cv-05314; and

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

WHEREAS, the Corporation Counsel has recommended a settlement in the amount of \$17,500.00 because of the litigation risk involved; and

WHEREAS, plaintiff has agreed to this settlement and will sign the 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 \$17,500.00.
2. The Jersey City Insurance Fund Commission be authorized to issue a check in the amount of \$17,500.00 payable to plaintiff.

SDC/ew
03/06/18

APPROVED: _____

APPROVED AS TO LEGAL FORM

APPROVED: _____

Business Administrator

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED 8-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 3.28.18											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY		ABSENT		YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
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.

Rolando R. Lavarro, Jr., President of Council

Robert Byrne, City Clerk

GENERAL RELEASE


By this General Release dated 11-11-, 2018, Shawn Y. Brown (known hereinafter as the "Releasor"), as Releasor and plaintiff in a Civil Action filed in the Superior Court of New Jersey, Law Division, Hudson County bearing Docket No.: HUD-L-3266-12 and moved to the United States District Court bearing Civil Action No.: 12-cv-05314 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, Anthony Makofka and Jonathan Thomson, 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 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 SEVENTEEN THOUSAND FIVE HUNDRED (\$17,500.00) 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 Releasor 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 named Releasees and their respective insurance carriers against any further liability for the satisfaction of any such liens or encumbrances.

Releasor acknowledges that the Releasees admit that they have not 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 they may owe or may have owed to the Releasor.

Releasor acknowledges that he has read this General Release and is signing it voluntarily. Releasor acknowledges that he 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 a voluntary act intending to release and discharge any and all claims and obligations between Releasor and Releasees.


Shawn Y. Brown

STATE New York : OF
OF Nassau SS.
COUNTY

I certify that on 4-420) 8 Shawn Brown,
personally came before me and acknowledged under oath, to my satisfaction, that
he is (a) named in and personally signed this Agreement; (b) signed, sealed and
delivered this document as his and her act or deed.

Notary Public



My Commission Expires

