

RESOLUTION NO. 2022-77

RESOLUTION AUTHORIZING SETTLEMENT OF ALL CLAIMS IN THE MATTER OF MADLINGER V. TOWNSHIP OF ABERDEEN, ET AL., DOCKET NO. MON-L-003811-21 AND PAYMENT OF PLAINTIFF'S ATTORNEY'S FEES IN AN AMOUNT NOT TO EXCEED \$1,772.88

WHEREAS, on or about November 12, 2021, Scott Madlinger ("MADLINGER") filed suit in the Superior Court of New Jersey, Law Division, Monmouth County, bearing Docket No. MON-L-003811-21 against the Township of Aberdeen ("Township"), wherein plaintiff alleged, among other things, that the Township failed to comply with a request under New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA"); and

WHEREAS, after a period of research, court filings and negotiations; plaintiff has agreed to amicably resolve and settle this matter against the Township of Aberdeen in exchange for the delivery of the requested documents together with payment of plaintiff's attorney's fees in an amount not to exceed \$1,772.88; and

WHEREAS, the Township's Chief Financial Officer has indicated there is sufficient funding for this settlement; and

WHEREAS, in order to avoid the expense and uncertainty of the further prosecution and defense of this action, plaintiff and the Township have reached an agreement to compromise plaintiff's disputed claims, and desire to amicably settle and resolve their dispute as stated hereinabove; and

WHEREAS, based upon all the facts and circumstances and the applicable law surrounding this matter, Township Counsel deems it is in the best interests of the Township to enter into such a settlement,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Aberdeen, County of Monmouth, State of New Jersey does hereby authorize and approve payment of plaintiff's attorney's fees in an amount not to exceed \$1,772.88 to Cohn, Lifland, Pearlman, Herrmann & Knopf, LLP, 250 Pehle Avenue, Suite 401, Saddle Brook, New Jersey 07663, upon receipt of all executed settlement documents deemed necessary in this matter, and

BE IT FURTHER RESOLVED, that the Township Manager is authorized to take any actions necessary to effectuate the authorized settlement, including, but not limited to executing the Release and Stipulation of Dismissal on behalf of the Township; and

BE IT FURTHER RESOLVED, that a copy of this resolution and the executed Release shall be filed in the Office of the Township of Aberdeen's Municipal Clerk.

ATTEST:

TOWNSHIP OF ABERDEEN

Melissa Pfeifer, Township Clerk

By:

Fred Tagliarini, Mayor

