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**RESOLUTION 19-190**

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**Resolution Authorizing Settlement of Litigation Captioned William Drake v. Municipality of Princeton Docket No. MER-L-2271-16**

**WHEREAS**, William Drake commenced litigation in the Superior Court of New Jersey, Law Division captioned *Drake v. Municipality of Princeton*, Docket No. MER-L-2271-16; and

**WHEREAS**, Princeton and its insurers, through Summit Risk Services, at all times have been prepared to vigorously defend against the claims through the courts and to try these matters to their conclusion, if necessary; and

**WHEREAS**, notwithstanding Princeton and the carriers' willingness and readiness to defend against these claims, Princeton and the carriers have also engaged in and completed settlement negotiations in an attempt to resolve plaintiff's claims without further litigation cost or expense; and

**WHEREAS**, with the recommendation of its insurance carriers, Princeton deems it appropriate to settle plaintiff's claims; and

**WHEREAS**, in settling plaintiff's claims, Princeton has not and does not make any admission of liability, but rather has decided that a negotiated settlement of these claims serves the public's interest in avoiding further costs of litigation that would have been incurred in the defense of the litigation, as well as the operational disruptions of a trial; and

**WHEREAS**, William Drake has executed a General Release in a form acceptable to the Princeton municipal attorney and to defense counsel assigned by the insurance carrier, together with a stipulation of dismissal with prejudice of his claims;

**NOW, THEREFORE, BE IT RESOLVED** by the Princeton Council as follows:

1. All of the above recitals are incorporated herein by reference as if repeated at length.
2. The Princeton Council hereby approves and authorizes the resolution of William Drake's claims for a total payment of One Hundred and Forty-Five Thousand Dollars (\$145,000.00) to William Drake, by and through Princeton's primary and/or excess liability insurance carrier, with no admission of liability.

**STATEMENT**

This resolution authorizes the settlement of litigation with William Drake for any and all claim in the amounts of One Hundred Forty-Five Thousand Dollars (\$145,000.00), inclusive of all attorney's fees and costs, to be paid by Princeton's insurance carrier (except for such deductibles and co-insurance payments as Princeton may be obligated to make in accordance with the terms

of the applicable insurance policies).

Councilperson	Absent	Present	1 <sup>st</sup>	2 <sup>nd</sup>	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X	X		X			
Ms. Crumiller		X			X			
Ms. Fraga		X			X			
Ms. Niedergang		X			X			
Mr. Quinn		X		X	X			
Mr. Williamson		X			X			
Mayor Lempert		X						

I, Delores A. Williams, Municipal Clerk of Princeton, do hereby certify that the above is a true copy of a resolution adopted by the Mayor and Council of Princeton at a meeting held on June 24, 2019.

  
 Delores A. Williams, RMC, Municipal Clerk

**ATTACHMENTS:**

- Drake- Signed Drake Stipulation of Dismissal with Prejudice (123254738\_1) (PDF)
- Drake- Signed Drake Release (PDF)
- Memo re Drake settlement (PDF)