



RESOLUTION 19-55

Resolution Authorizing General Releases and Settlements as to Sharon Papp, Daniel Chitren, Carol Raymond, and Christopher P. Donnelly in the Litigation Captioned Papp et al v. Dudeck et al., Docket No. MER-L-1836-13

WHEREAS, Sharon Papp, Daniel Chitren, Carol Raymond, and Christopher P. Donnelly, among others, commenced litigation in the Superior Court of New Jersey, captioned *Papp, et al. v. Dudek, et al.*, Docket No. MER-L-1836-13; and

WHEREAS, the Municipality of Princeton and the Princeton Police Department, along with its insurance carriers, 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 these matters without further litigation costs or expenses; and

WHEREAS, with the recommendation of its insurance carriers, Princeton deems it appropriate to settle these claims; and

WHEREAS, in settling these 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 the further costs of litigation that would have been incurred in the defense of the litigation and in avoiding the operational disruptions that a trial would have entailed; and

WHEREAS, Sharon Papp, Daniel Chitren, Carol Raymond, and Christopher P. Donnelly, through counsel are each expected to execute a Settlement Agreement and Mutual 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 their 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 consents to and authorizes settlement of Sharon Papp's, Daniel Chitren's, Carol Raymond's and Christopher Donnelly's claims in such amounts as shall be acceptable to the Municipal Excess Liability fund, within the combined limits of Princeton's primary and excess liability policies, and to be paid for by Princeton's carriers (except for such deductible and co-insurance payments as Princeton may be obligated to make in accordance with the terms of the applicable insurance policies).


3. This approval is granted with no admission of liability and is contingent upon Princeton receiving a signed Settlement Agreement and Mutual Release and stipulation of dismissal with prejudice from Sharon Papp, Daniel Chitren, Carol Raymond, and Christopher P. Donnelly in a form acceptable to the Princeton municipal attorney and to defense counsel assigned by the insurance carrier.

STATEMENT

This resolution authorizes settlement of litigation with Sharon Papp, Daniel Chitren, Carol Raymond, and Christopher Donnelly for any and all claim in such amounts as shall be approved by Princeton’s primary and excess liability insurers, provided said amounts are within Princeton’s policy limits, are inclusive of all attorney’s fees and costs, and are to be paid by Princeton’s insurance carrier (except for such deductible and co-insurance payments as Princeton may be obligated to make in accordance with the terms of the applicable insurance policies). The specific amounts of the individual settlements have been tentatively agreed to but require final approval of the Municipal Excess Liability fund, and shall be made public upon receipt of that final approval.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Mr. Cohen	X							
Ms. Crumiller		X			X			
Ms. Fraga		X	X		X			
Ms. Niedergang		X		X	X			
Mr. Quinn		X			X			
Mr. Williams		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 February 11, 2019.



 Delores A. Williams, RMC, Municipal Clerk

ATTACHMENTS:

- Form Settlement Release Papp-Raymond (PDF)
- Form Settlement Release Chitren-Donnelly (PDF)