

**RESOLUTION  
TOWNSHIP OF FRANKLIN  
AUTHORIZING THE SETTLEMENT OF CERTAIN LITIGATION ENTITLED  
RICHARD O'BRIEN V. THE TOWNSHIP OF FRANKLIN  
UNDER DOCKET NO.: GLO-L-1990-09**

**R -175- 12**

**WHEREAS**, the Township of Franklin was made a party defendant in certain litigation entitled Richard O'Brien v. the Township of Franklin, which was venued in Gloucester County under Docket No.: GLO-L-1990-09; and

**WHEREAS**, the Township of Franklin has been represented by outside counsel, Linda Galella, Esquire, who was assigned to represent the Township through the Township's insurance policy, the Municipal Excess Liability Joint Insurance Fund; and

**WHEREAS**, Scibal Associates, Inc., as the claim administrators for the MEL/JIF, has by letter dated September 21, 2012, authored by William H. Bruce, III, recommended a settlement of the aforesaid litigation in order to "eliminate the uncertainty of trial and/or protracted appeal process and of course added defense costs"; and

**WHEREAS**, Scibal Associates has recommended to the Township, not on the basis of liability, but for the purpose of ending risk and uncertainty, and has requested that the Township advise whether it will exercise its right to object to the settlement and/or its terms; and

**WHEREAS**, the terms of the proposed settlement are as follows:

\$110,000 will be paid to the Plaintiff in the above referenced matter in full and complete satisfaction of any and all claims of any nature whatsoever including attorney's fees against all of the defendants arising from the issues set forth in the lawsuit and that all claims of the Plaintiff shall be dismissed with prejudice; and

**WHEREAS**, the Township of Franklin will be required to reimburse the MEL/JIF for \$15,000 of the entire settlement of \$110,000; and

**WHEREAS**, the Township Committee believes it is in the best interest of the Township of Franklin to eliminate risk, additional legal fees and defense costs and that it should follow the advice of its insurer allow the settlement outlined within the terms and scope of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, that the Township will not object to the settlement of litigation entitled Richard O'Brien v. the Township of

Franklin under Docket No. GLO-L-1990-09 in the amount of \$110,000, payable to the Plaintiff in full and complete satisfaction of any and all claims of any nature whatsoever including attorney's fees against all of the defendants arising from the issues set forth in the lawsuit. All claims of the Plaintiff shall be dismissed with prejudice.

**ADOPTED** at the regular meeting of the Township Committee of the Township of Franklin on Tuesday, October 9, 2012.

ATTEST:

TOWNSHIP OF FRANKLIN

\_\_\_\_\_  
BARBARA FREIJOMIL, CLERK

\_\_\_\_\_  
JOSEPH PETSCH, MAYOR

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting of the Franklin Township Committee held on October 9, 2012.

\_\_\_\_\_  
BARBARA FREIJOMIL, CLERK