

Clerk Office

From: Jon Salonis
Sent: Wednesday, December 16, 2020 2:06 PM
To: Otero Jennifer
Subject: FW: Stewart v Reinman settlement
Attachments: letter.pdf

From: Jon Salonis
Sent: Tuesday, December 8, 2020 2:50 PM
To: 'Joseph Atmonavage'
Subject: RE: Stewart v Reinman settlement

Mr. Atmonavage,
The Borough has been advised by our Insurance Company that they have reached a settlement with the party who brought suit in the civil matter. We have attached a copy of the letter from our Insurance Company advising us of that fact.

From: Joseph Atmonavage [mailto:JAtmonavage@njadvancemedia.com]
Sent: Tuesday, December 8, 2020 2:00 PM
To: Jon Salonis <salonisj@carteret.net>
Subject: Re: Stewart v Reinman settlement

Thank you, sir

Joe Atmonavage | Federal courts reporter
NJ Advance Media
Woodbridge Corporate Plaza
485 Route 1 S, Bldg. E, Suite 300 | Iselin, NJ 08830-3009
Email: jatmonavage@njadvancemedia.com
Phone: 732-395-0472
Twitter: @monavage



From: Jon Salonis <salonisj@carteret.net>
Sent: Tuesday, December 8, 2020 1:58 PM
To: Joseph Atmonavage <JAtmonavage@njadvancemedia.com>
Subject: RE: Stewart v Reinman settlement

Joseph,

I'm just seeing your email now as I wasn't in yesterday. I'll have a response for you shortly.

From: Joseph Atmonavage [<mailto:JAtmonavage@njadvancemedia.com>]

Sent: Monday, December 7, 2020 11:29 AM

To: Jon Salonis

Subject: Stewart v Reinman settlement

Mr. Salonis:

Hope all is well. I saw on PACER today that it appears the Stewart v. Reinman civil lawsuit has settled. Can you confirm that the borough has settled that lawsuit? if so, for how much and what else was in the agreement?

Lastly, does the mayor have any comment on the settlement? Anything else to add?

Thanks,

Joe Atmonavage

Joe Atmonavage | Federal courts reporter

NJ Advance Media

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**MIDDLESEX COUNTY MUNICIPAL
JOINT INSURANCE FUND**

WILLIAM M. KURTZ
Executive Director

Edward Testino
General Counsel
(732) 970-9000

Claims Dept.
(732) 970-1041
Fax (732) 970-1011

November 20, 2020

CONFIDENTIAL

Mr. Robert Bergen
Borough of Carteret
61 Cooke Avenue
Carteret, NJ 07008

Re: Monte Stewart v. Carteret et al
Civil Action Number 17-4313 (BRM-JAD)

Mr. Bergen:

Below is a synopsis of the referenced case and the reason/decision to resolve and settle the matter, I am writing to advise you of the following. As you are aware the Civil case was stayed pending the criminal trial against the defendant officer. The Officer was found not guilty at the trial and completely exonerated which resulted in a positive outcome for the Officer and the Borough. The "Stay" of the Civil case, which plaintiff filed against multiple officers on the scene, EMT's called to the Scene as well as the Borough, was vacated and was returned to the court calendar as active and our defense counsel began the discovery process to protect the interest of the Borough and the individual defendants. During the discovery process the Judge called the parties in for settlement negotiations.

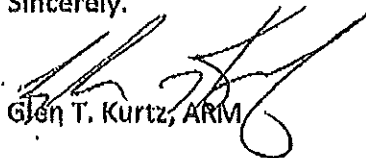
A settlement conference was held on October 7, 2020 via Zoom before United State Magistrate Judge Joseph Dickson. Three attorneys for the Plaintiff, the Plaintiff and the Plaintiff's father participated for the Plaintiff's side. Multiple defense counsel appeared representing various individual named Defendants (employees or officers of the Borough) and the Borough of Carteret. A representative from the MCMJIF's Excess Carrier Old Republic, as well as myself were also available to discuss the matter. Prior to the Court appearance where settlement was reached, a previous conference was held in which the Plaintiffs dropped their initial demand from the initial 3,000,000 to 1,000,000. By the end of that conference the

MCMJIF countered in good faith with a \$200,000 offer. In light of the positions of the parties, the Judge called for an additional conference which was held on October 7, 2020.

As a result of the MCMJIF having placed the excess carrier on Notice and the costs of defense for all Counsel and expense approaching the self-retained limits of one million, the conference on October 7, 2020 resulted in a final offer from the MCMJIF's excess carrier Old Republic of \$595,000. This offer was ultimately accepted from the Plaintiffs. The decision to settle by the Old Republic, as the excess carrier was a financial decision based upon the cost to move forward through discovery with multiple Defendants, and multiple depositions to conduct, as well as the ultimate cost to try the case vs. the potential outcome. It was estimated that the cost to continue to defend through a trial of an estimated length of two or three weeks would be in excess of 1 million to an upward range of 1.5 million dollars. In addition, as you may be aware, a trial lends to as the possibility of handling the appeals if the result was contested. Frankly, given the current social climate, the excess carrier had concerns, as you know, these matters are further complicated by the risk that any award, even \$5,000 in favor of the Plaintiff would entitle the Plaintiff's counsel to an award of counsel fees under the applicable laws. It is estimated that said fees were expected to exceed \$2,000,000 in the event of a trial.

In light of all of the above, the excess carrier within its agreed upon insurance coverage terms made a business decision to settle the matter. The settlement protects the Borough and all individual Defendants. The agreement requires that all individual Defendants will be dismissed from the Case prior to settlement, and the Borough will be the settling entity with no admission of liability.

Sincerely,


Glen T. Kurtz, ARM