

May 2, 2023

Item No. 15
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of Actions Brought by
Jay Gusler Against the City of Long Beach.

WHEREAS, multiple actions currently exist in various courts in which Jay Gusler and the City of Long Beach are parties (“pending litigation”), inclusive of *Jay Gusler v. City of Long Beach* (Nassau County Supreme Court Index No. 0207-2021), *Jay Gusler v. City of Long Beach* (Nassau County Index No. 5012-2022), and *Jay Gusler v. City of Long Beach* (Appellate Division, Second Department Case No. 2022-04529); and

WHEREAS, after numerous years of litigation and damages demands beginning at \$258,375.00, the attorneys on behalf of the City negotiated an agreement to compromise and settle all claims, demands and pending litigation of Jay Gusler against the City for the sum of \$144,000.00, to be paid in equal, bi-weekly installments over the course of nine (9) years, amounting to \$16,000.00 per year, subject to other terms and conditions set forth in the negotiated Settlement Agreement and General Release, which sum said attorneys for the City have recommended as reasonable settlement of the claims of Jay Gusler, and which the City is obligated to pay as a condition of settlement;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized to settle all claims, demands and pending litigation in which Jay Gusler and the City of Long Beach are parties, inclusive of *Jay Gusler v. City of Long Beach* (Nassau County Supreme Court Index No. 0207-2021), *Jay Gusler v. City of Long Beach* (Nassau County Index No. 5012-2022), and *Jay Gusler v. City of Long Beach* (Appellate Division, Second Department Case No. 2022-04529), for the sum of \$144,000.00, inclusive of costs and fees, with prejudice, and the City Comptroller is hereby authorized to make payments to Jay Gusler in full payment of the City’s settlement, in equal, bi-weekly installments over the course of nine (9) years, amounting to \$16,000.00 per year, subject to other terms and conditions set forth in the negotiated Settlement Agreement and General Release, upon the Acting City Manager’s execution of said settlement. Funds are and will be available in Account No. C1930.54434 (Judgments and Claims-Insurance Reserve).