

CITY OF VINELAND

RESOLUTION NO. 2015-_____

RESOLUTION ACKNOWLEDGING AND CONFIRMING A COURT ORDER RESOLVING THE MATTERS OF CITY COUNCIL VS. RUBEN BERMUDEZ, MAYOR, ET AL AND GAMALIEL CRUZ VS THE CITY OF VINELAND ET AL.

WHEREAS, Gamaliel Cruz commenced litigation against the City of Vineland in the Superior Court of New Jersey, Cumberland County in the matter of Cruz vs. City of Vineland, et al., Docket number L – 478 – 14; and

WHEREAS, the City Council of the City of Vineland commenced litigation against Mayor Ruben Bermudez in the Superior Court of New Jersey Cumberland County in the matter of City Council of the City of Vineland v. Mayor Ruben Bermudez, et al., Docket number L – 784 – 14; and

WHEREAS, the Honorable Anne McDonnell, the Judge presiding over both Superior Court matters has recommended the entry of Orders resolving both Superior Court matters, drafts of which Orders are attached hereto and incorporated by reference; and

WHEREAS, City Council concurs with the recommendation of the court and concurs that such recommendation is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland that the Orders of Judge Anne McDonnell, attached hereto are ratified, confirmed and adopted.

BE IT FURTHER RESOLVED, that a Consent Order be entered, amending the Scheduling Order to permit counsel to the City Council of the city of Vineland and the Mayor to charge reasonable attorney's fees and costs, the same to be paid as bills and demands of the City of Vineland

Adopted:

President of Council

ATTEST:

City Clerk

BY THE COURT

CITY COUNCIL OF THE CITY OF
VINELAND,

Plaintiff.

v.

RUBEN BERMUDEZ, Mayor of the City of
Vineland, et al..

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CUMBERLAND COUNTY

DOCKET NO. L-784-14

Civil Action

ORDER

THIS MATTER having come before the Court on July 23, 2015 in the presence William Harla, Esquire, Attorney for Plaintiff, Matthew Wolf, Esquire, Attorney for Defendant Mayor Rueben Bermudez, Michael Benson, Esquire, Attorney for the City of Vineland in the Civil Service proceedings, and Richard Tonetta, Esquire, Solicitor for the City of Vineland, and for good cause shown:

IT IS on this day of _____ 2015, **ORDERED** as follows:

1. This case is dismissed without prejudice;
2. If Mayor Rueben Bermudez seeks to take any official action in any way in the Office of Administrative Law matter styled Gamaliel Cruz, City of Vineland, CSC Docket No. 2012-3447, OAL Docket No. CSR 8054-12, or seeks to take any official action that would affect that Office of Administrative Law matter in any way, Mayor Bermudez shall give all parties to this action and to the action styled Gamaliel Cruz v. City of Vineland, Docket No. CUM-L-478-14, thirty (30) days notice of his intended action so that any such party may seek this Court's review of Mayor Bermudez's intended action;
3. This Court retains jurisdiction. This case will be reinstated upon letter request from any counsel.

HON. ANNE MCDONNELL, P.J.CH.

..... Opposed
_____ Unopposed

BY THE COURT

GAMALIEL CRUZ	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
Plaintiff(s),	:	CUMBERLAND COUNTY
	:	
v.	:	DOCKET NO. L-478-14
	:	
CITY OF VINELAND, it's servants, agents, and	:	<u>Civil Action</u>
employees, et al.	:	
	:	
Defendant(s).	:	ORDER REINSTATING CIVIL
	:	SERVICE CASE NUNC PRO TUNC

THIS MATTER having come before the Court on July 23, 2015 in the presence of John Stein, Esquire, Attorney for Plaintiff, Patrick Madden, Esquire, Attorney for Defendant City of Vineland, Michael Benson, Esquire, Assistant Solicitor for the City of Vineland and Attorney for the City of Vineland in connection with that matter encaptioned In the Matter of Gamaliel Cruz, City of Vineland, CSC Docket No. 2012-3447, OAL Docket No. CSR 8054-11 (the "Civil Service Case"), and Rick Tonetta, Esquire, Solicitor for the City of Vineland; and for good cause shown:

IT IS on this _____ day of July, 2015, ORDERED as follows:

1. The Civil Service Case be and is hereby reinstated and shall proceed to conclusion before the Office of Administrative Law based upon those disciplinary charges pending against the plaintiff, Gamaliel Cruz, set forth in that Final Notice of Disciplinary Action filed by the Vineland Police Department on November 12, 2010 (the "FNDA"), as they existed before the issuance of that Amended Final Notice of Disciplinary Action dated May 21, 2014 (the "Amended FNDA"). The Amended FNDA is deemed rescinded, and the FNDA reinstated.
2. The matter shall proceed to conclusion before the OAL, with the City of Vineland represented by Michael Benson, Esquire or an attorney to be designated by the Office of Solicitor of the City of Vineland and Gamaliel Cruz represented by Louis Barbone,

Esquire, or an attorney of the law firm of Jacobs and Barbone, unless settled by an agreement that is approved by Gamaliel Cruz, the City Council of the City of Vineland, and the Mayor of the City of Vineland.

3. The Civil Service Commission and Office of Administrative Law are ordered to take all steps necessary to reinstate the Civil Service Case, and to resume that hearing previously commenced before Administrative Law Judge Bruce Gorman.
4. This case is dismissed without prejudice and without costs. The case will be reinstated upon letter application filed by any counsel.

ANNE McDONNELL, P.J.Ch.

William Harla, Esq.
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City Council of the City Of Vineland

GAMALIEL CRUZ,
Plaintiff,
v.
CITY OF VINELAND, et al.
Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: CUMBERLAND COUNTY
:
: DOCKET NO. L-478-14
:
: Civil Action

CITY COUNCIL OF THE CITY OF
VINELAND,
Plaintiff,
v.
RUBEN BERMUDEZ, Mayor of the City of
Vineland and GAMALIEL CRUZ,
Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: CUMBERLAND COUNTY
:
: DOCKET NO. L-784-14
:
: Civil Action
:
: **CONSENT ORDER AMENDING**
: **SEPTEMBER 11, 2014**
: **AMENDED SCHEDULING ORDER**

THIS MATTER having been brought before the Court by DeCotiis, FitzPatrick & Cole, LLP, Counsel for the City Council of the City of Vineland in the above-consolidated matters, for an order amending Paragraph 4 of the Amended Scheduling Order dated September 11, 2014

entered under Docket No. CUM-L-478-14 concerning attorneys fees for counsel to the City Council and counsel to Mayor Ruben Bermudez in Docket No. CUM-L-784-14, and due to unforeseeable costs of litigation in excess of the total fee limit set forth in Paragraph 4, and the City Council and Mayor Bermudez having consented to the modification of Paragraph 4 by way of entry of this Order, and for good cause:

IT IS on this ____ day of _____ 2015, **ORDERED** that Paragraph 4 of the September 11, 2014 Amended Scheduling Order is amended and supplemented as follows:

1. That portion of Paragraph 4 of the September 11, 2014 Amended Scheduling Order limiting the total fee to be charged to \$50,000 is superseded and amended to permit counsel to the City Council and counsel to Mayor Bermudez to charge reasonable attorneys fees and costs for each of their respective clients, which fees are to be paid by the Office of the City Business Administrator.

IT IS FURTHER ORDERED that DeCotiis, FitzPatrick & Cole, LLP shall serve a copy of this Order upon all counsel of record within 7 days of receiving it from the Court.

Hon. Anne McDonnell, P.J.Ch.

____ Opposed
____ Unopposed