

RESOLUTION 53-14

**GLOUCESTER COUNTY INSURANCE COMMISSION
AUTHORIZING LIABILITY SETTLEMENT WITH
PLAINTIFF, JOSHUA F. WILBORNE**

WHEREAS, Joshua F. Wilborne has filed a claim against Gloucester County involving an automobile accident which occurred on or about January 10, 2011 on Woodbury-Glassboro Road and Delsea Drive in Glassboro, New Jersey, involving a vehicle operated by a Gloucester County employee (hereinafter "accident" or "the accident"), and;

WHEREAS, the accident subsequently resulted in the filing of a lawsuit styled as Joshua F. Wilborne v. Edward J. Johnson, Jr., et als. in the Superior Court of New Jersey, Gloucester County, Law Division, Docket No. GLO-1899-12 (hereafter "action" or "the action"), and;

WHEREAS, the aforementioned claim and action so filed have now been resolved, and;

WHEREAS, a "GENERAL RELEASE" (hereinafter "Release") has been executed by the plaintiff, Joshua F. Wilborne (hereinafter "Plaintiff"), on March 20, 2014, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A", and;

WHEREAS, the Plaintiff has agreed to bind all of their representatives, heirs, and assigns to the terms of the Release, and;

WHEREAS, said Release contains the Plaintiff's covenants to Dismiss the action with prejudice and forever release Gloucester County Insurance Commission from any claims, disputes, causes of action, controversies and demands whatsoever, in law or in equity, known and/or unknown, anticipated and/or unanticipated, suspected and/or unsuspected, as set forth in Paragraph #1 of the Release, attached as Exhibit "A", and;

WHEREAS, said Release also contains a "Non-Admission of Liability" provision, wherein the Plaintiff specifically acknowledges that the Release is not intended, nor should it be intended to be an admission of any liability wrongdoing, or impropriety by the released parties, as set forth in Paragraph #2 of the Release, attached as Exhibit "A", and;

WHEREAS, said Release also includes a provision wherein Plaintiff certifies that no liens exist against the settlement proceeds, and that if a claim is made by anyone to enforce any lien, Plaintiff agrees that he will satisfy said lien in full, as set forth in Paragraph #3 of the Release, attached as Exhibit "A," and;

WHEREAS, the Release also contains a provision stating that Plaintiff will bear all of their attorneys' fees and costs arising from the aforementioned action, as set forth in Exhibit "A," and;

WHEREAS, the consideration binding said release is \$58,000.00, and;

WHEREAS, the Release has been evaluated by defense counsel for the Gloucester County Insurance Commission, and;

WHEREAS, the Gloucester County Insurance Commission believes that it is in its' best interests to enter into the Release with Plaintiff so as to ensure that all matters set forth in and involving the claim and action are forever resolved,

NOW THEREFORE BE IT RESOLVED, by the Gloucester County Insurance Commission that disposition of the claim filed by the above referenced individual is authorized as follows:

<u>PLAINTIFF</u>	<u>DOCKET NO.</u>	<u>AMOUNT OF SETTLEMENT</u>
Joshua Wilborne	GLO-1899-12	\$58,000.00

BE IT FURTHER RESOLVED, that the proper Commission officials and/or their agents, be and are hereby authorized to execute such documents as shall be necessary to effect the disposition set forth.

ADOPTED by THE GLOUCESTER COUNTY INSURANCE COMMISSION at a properly noticed meeting held on September 25, 2014.

ADOPTED:



GERALD A. WHITE, CHAIRMAN

ATTEST:



DEAN SIZEMORE, SECRETARY