



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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NEWTON, MA. 02459

April 24, 2023

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Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Councilors:

I respectfully submit a docket item to the Honorable Council requesting authorization to appropriate and expend the sum of \$55,000 from June 30, 2022 Certified Free Cash, for full and final settlement of *Alison Larkin v. City of Newton et al* (C.A. No. 2085-CV-00283).

Please see the attached request from Carolyn Weisman, Assistant City Solicitor.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

LAW DEPARTMENT



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CITY HALL

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March 31, 2023

Mayor Ruthanne Fuller
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: Settlement of *Alison Larkin v. City of Newton et al* (C.A. No. 2085-CV-00283)

Dear Honorable Mayor Fuller:

Plaintiff Alison Larkin, a Newton Public Schools employee, filed suit against the City of Newton, Newton Public Schools, and two City contractors in March 2020. The lawsuit seeks damages for injuries sustained by the plaintiff in January 2018 when she opened a preschool classroom window (at 150 Jackson Road) and was struck on the head by a board that fell from ceiling height. Plaintiff brought this case pursuant to MGL ch. 258 (MA Tort Claims Act), asserting that the City failed to maintain a safe premises.

The parties have been exploring settlement of this matter, and have arrived at a negotiated compromise whereby the City shall contribute \$55,000 in full and final settlement of all claims against the City and NPS resulting from the accident. We believe this settlement is reasonable given the circumstances of the case. Therefore, I respectfully request that you docket this item for City Council authorization for a transfer of funds in the amount of \$55,000 from an account designated by you into the Law Department's "judgments and settlements" account in accordance with City Ordinance § 15-5.

Sincerely,

/s/Carolyn A. Weisman
Assistant City Solicitor