

## **2022 NJSBA Annual Meeting**

### **Settlement Issues, Techniques, and Tips – “Talkin ‘bout a Resolution”**

Moderator/Speaker:

Hon. Lisa Perez Friscia, J.S.C., Bergen

Speakers:

Hon. Robert A. Fall, J.A.D. (On Recall to Superior Court)

Hon. Michael J. Blee, A.J.S.C., Atlantic

Hon. Jamie D. Happas (Retired)

*Lombardi and Lombardi, PA, Edison*

## SETTLEMENT

### Settlement

#### Apparent Authority

1. Lampley v. Davis Mach. Corp., 219 N.J. Super. 540, 548-49 (App. Div. 1987).
2. Seacoast Realty Co. v. W. Long Branch Borough, 14 N.J. Tax 197, 202-03 (Tax 1994).
3. Amatuzzo . Kozmiuk, 305 N.J. Super. 469, 475 (App. Div. 1997)
4. LoBiondo v. O'Callaghan, 357 N.J. Super. 488, 497 (App. Div. 2003)
5. Jennings v. Reed, 381 N.J. Super. 217, 231 (App. Div. 2005).

#### Settlement – Binding Without Writing?

1. Lahue v. Pio Costa, 263 N.J. Super. 575, 596 (App. Div. 1993).
2. Jennings v. Reed, 381 N.J. Super. 217, 227 (App. Div. 2005)
3. Smith v. Fireworks by Girone, Inc., 380 N.J. Super. 273, 291 (App. Div. 2005), cert. denied, 186 N.J. 243 (2006).

#### Release – Settlement

1. Raroha v. Earle Fin. Corp., 47 N.J. 229, 234 (1966).
2. Mid-Monmouth Realty Assocs. V. Metallurgical Indus., 2016 N.J. Super. Unpub. LEXIS 2475 (App. Div. 2016)
3. Jennings v. Reed, 381 N.J. Super. 217, 229 (App. Div. 2005). See also Hagrish v. Olson, 254 N.J. Super. 133, 138 (App. Div. 1992)
4. Reed, 381 N.J. Super. at 232
5. N.J. Mfrs. v. O'Connell, 300 N.J. Super. 1, (App. Div.)
6. Dep't of Pub. Advocate v. N.J. Bd. of Pub. Util., 206 N.J. Super. 523, 530, (App. Div. 1985)

#### High Low Terms: Waiving Appeal

1. Serico v. Rothberg, 234 N.J. 168, 178 (2018).

#### High Low Terms: Agree to what occurs if there is a mistrial

1. Khan v. Singh, 397 N.J. Super. 184, 202 (App. Div. 2007).
2. Boryszewski v. Burke, 380 N.J. Super. 361 (2005).

#### High Low Terms: Interest

1. Serico v. Rothberg, 234 N.J. 168 (2018).