



Thomas Ryan

Judge Enforces \$1M Settlement of Police Chief's Whistle-blower Suit

Lindsay v. Borough of East Newark: A Hudson County judge on Nov. 21 issued an order enforcing a \$1.025 million settlement of a former East Newark police chief's whistle-blower suit.

Kenneth Lindsay, 49, of Sparta, sued East Newark and its administrator under the Conscientious Employee Protection Act and the Law Against Discrimination. He also sued for interference with contract, breach of contract and intentional infliction of emotional distress.

According to his lawyer, **Thomas Ryan**, Lindsay complained to the mayor, council and Hudson County prosecutor in the early 1990s that Walter Roman, then a councilman, was meddling in police operations contrary to state law. Roman left the council soon after and the situation abated, but he renewed his meddling when he was named administrator in 2000, says Ryan, of Sparta's **Laddey Clark & Ryan**.

Lindsay alleged that the stepped-up interference by Roman and the borough was in retaliation for his whistle-blowing and caused him hypertension that forced him to go out on sick leave. The borough then failed to accommodate his health problems and ultimately terminated him in 2002 on the ground he was incapacitat-

ed, he alleged.

Mediation was held last September with **Robert Margulies**, of Jersey City's **Margulies, Wind & Knopf**, but it failed. Ryan then demanded the borough's policy limits, leading the borough to send *Rova Farms* letters to its carriers.

A few weeks later, a deal was struck with Ryan, Margulies and the carriers' attorneys. But the borough held out, contending it had not consented to a settlement as required by its \$1 million professional liability policy with Diamond State Insurance. On Nov. 21, Hudson County Judge **Maurice Gallipoli** found consent and ordered the borough, not its carriers, to pay \$7,500 in legal fees to cover enforcement of the settlement, plus \$3,780 in interest.

Ryan says \$925,000 of the settlement came from the Diamond State policy and the other \$100,000 from a Zurich Insurance worker's compensation policy.

Borough Counsel **Neil Marotta**, a

partner with Edgewater's **Marotta & Garvey**, did not return a call. Borough trial counsel **George Helfrich Jr.**, a partner with Roseland's **Marshall, Dennehey, Warner, Coleman & Goggin**, denies the conduct.

Diamond's lawyer, **Francis Cook**, a partner with Roseland's **Grotta Glassman & Hoffman**, says "the case settled at the direction of the borough." Zurich's lawyer, **John Coyne**, a partner with Morristown's **McElroy Deutsch & Mulvaney**, declines comment.

— By *Mary P. Gallagher*

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