AGENDA SUBMITTAL TO LUZERNE COUNTY COUNCIL

ITEM TITLE Resolution Adopting Settlement of Litigation in the Matter of *Richard Musko v. Wilkes-Barre/Wyoming Valley Airport, Valley Aviation, and Luzerne County* – Common Pleas No. 2020 - 08998	COUNCIL MEETING DATE June 8, 2021	AGENDA NUMBER
Dept: Office of Law **Contact:** Romilda P. Crocamo, Chief Solicitor **Phone:** 570-825-1695		

SUMMARY:

On October 1, 2020, Plaintiff, Richard Musko filed a Complaint against Wilkes-Barre/Wyoming Valley Airport, Valley Aviation, and Luzerne County alleging that he bought a hangar at the Wilkes-Barre/Wyoming Valley Airport and that he entered into an oral contract permitting him to utilize the hangar and shed indefinitely. Additionally, Plaintiff claims that he fully replaced the hangar after the original one was destroyed by a tornado.

Plaintiff's main cause of action is that the defendants have breach the parties' oral agreement dating back to the late 1970's which permitted him to maintain his hangar on the Site at the Wilkes-Barre/Wyoming Valley Airport indefinitely.

Plaintiff is seeking a preliminary injunction preventing Defendant's from barring his entry onto the premises as well as monetary damages.

FINANCING:

Luzerne County would be directly responsible for the settlement and would be paid from the Office of Law Budget - Special Legal Services.

DISCUSSION:

For the reasons stated in executive session on this matter, the County Office of Law and the County Manager's Office recommend settlement in this matter.

ALTERNATIVES:

County Council may choose to not accept the settlement proposal. Should Council choose to not settle this matter and instead opt to pursue further litigation, discovery and pre-trial motions would be completed, a trial would be scheduled and a potentially lengthy appeals process could possibly follow.

RESOLUTION R-2021-
LUZERNE COUNTY COUNCIL

A Resolution by the Luzerne County Council Approving the Settlement of
Pending Litigation in the Matter of Richard Musko v. Wilkes-Barre/Wyoming Valley Airport, Valley
Aviation and Luzerne County.

WHEREAS, Section 4.07 B.3 of the Luzerne County Home Rule Charter Provides the County Manager shall have the authority to recommend the settlement of litigation involving the County, subject to the approval of County Council; and

WHEREAS, the Luzerne County Manager has recommended settlement of the above-captioned litigation; and

WHEREAS, Section 2.09 B.5 of the Luzerne County Home Rule Charter provides that County Council shall have the power to approve, by resolution adopted by a majority vote of the Council members, a recommendation by the County Manager to settle litigation involving the County; and

WHEREAS, allegations contained within Plaintiff's pleadings all stem from an oral contract for the purchase of a hangar at the Wilkes-Barre/Wyoming Valley Airport that occurred in the 1970s; and

WHEREAS, Plaintiff brought suit against the above-named Defendants alleging breach of oral contract and also sought a preliminary injunction to preserve the status quo; and

WHEREAS, the plaintiff desires to settle his claims against the parties; and

WHEREAS, Luzerne County Council also desires to resolve the pending litigation in this matter.

NOW, THEREFORE, BE IT RESOLVED, the Luzerne County Council approves the settlement of pending litigation for all claims asserted against Luzerne County in the matter of *Richard Musko v. Wilkes-Barre/Wyoming Valley Airport, Valley Aviation and Luzerne County* in the amount of $. This settlement is a full and complete settlement and release of any and all claims by Richard Musko against the County of Luzerne.

This resolution shall become effective six days after adoption.

ADOPTED at a meeting of the Luzerne County Council held _____ __, 2021.

ROLL CALL VOTE:
AYES-
NAYS-

LUZERNE COUNTY COUNCIL

By:_____
Tim McGinley, Chair

Attest:_____
Sharon Lawrence, Clerk of Council

_____
C. David Pedri, Esquire
County Manager