



Orange To Pay \$2.7 Million to Family For Death of Suspect in Carnegie Case

Estate of Earl Faison v. City of Orange: Three years after Earl Faison died in police custody as part of the frenzied reaction to the killing of Orange policewoman Joyce Carnegie, the city has agreed to pay \$2.7 million to his estate.

The settlement, entered last Tuesday in federal court in Newark, was reached after four mediation sessions with former U.S. District Judge **Nicholas Politan**.

Faison, 27, of East Orange, died from an asthma attack at police headquarters on April 11, 1999, after he was taken into custody for questioning

in the shooting death of Carnegie. Another man was later convicted of the murder.

The suit charged that the police were negligent because they knew Faison was asthmatic but left his inhaler at the arrest scene when they took him to the station. There were 11 named defendants -- the city, the former police director and nine officers who participated in Faison's detention. The 10 individual defendants were released from liability and will make no payments.

Under the settlement, \$200,000 will be placed in accounts at the Essex

County Surrogate's Office for medical and educational uses for Faison's four children, ages 4 to 7. The remainder will be placed in structured settlements so each child will get \$5 million over the course of his or her lifetime.

The settlement was approved by the City Council on Tuesday. Of the \$2.7 million, insurance will pay \$1 million and the rest will come from the city budget over four years. Orange City Attorney **Marvin Braker** says the city did not admit to liability and agreed to settle to save on legal costs and because the settlement was reasonable in light of the initial demand of \$7.5 million.

The city's litigation counsel was **Peter Till**, a solo practitioner in Springfield.

Faison's estate was represented by **David Mazie**, a partner, and **Eric Szoke**, an associate, both of Livingston's **Nagel Rice Dreifuss & Mazie**, and by **Mark Baumgarten**, of counsel to West Orange's **Mandelbaum, Salsburg, Gold, Lazris, Discenza & Steinberg**.

-- By Charles Toutant