



## Legislation Details (With Text)

**File #:** 17-0031      **Version:** 1      **Name:** Workers' Compensation (Andy Santana)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/10/2017      **In control:** Law  
**On agenda:** 4/5/2017      **Final action:** 4/5/2017

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2014-20150  
Claimant: Andy Santana  
Claimant's Attorney: Marc J. Brenner, Esquire.  
Attorney's Address: 222 Ridgedale Avenue, Cedar Knolls, New Jersey 07927  
Settlement Amount: \$43,582.00  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Corporation Counsel, April 4, 2017

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

| Date     | Ver. | Action By         | Action | Result |
|----------|------|-------------------|--------|--------|
| 4/5/2017 | 1    | Municipal Council | Adopt  | Pass   |

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**Claimant:** Andy Santana

**Claimant's Attorney:** Marc J. Brenner, Esquire.

**Attorney's Address:** 222 Ridgedale Avenue, Cedar Knolls, New Jersey 07927

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**Invitation:** Corporation Counsel, April 4, 2017

**WHEREAS**, the Petitioner, Andy Santana, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-20150 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on May 22, 2014 while working for the Department of Public Safety, Police; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Marc J. Brenner, Corporation Counsel and/or Chasan Lamparello Mallon and Cappuzzo, P.C., ("Outside Counsel") has agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-22) by payment in the amount of \$38,430.00 (Thirty Eight Thousand Four Hundred Thirty Dollars and Zero Cents). Pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers' Compensation, the City of Newark will also pay an attorney's fee of

\$4,612.00 (Four Thousand Six Hundred Twelve Dollars and Zero Cents), a medical evaluation fee of \$450.00 (Four Hundred Fifty Dollars and Zero Cents) and a transcription fee of \$90.00 (Ninety dollars and Zero Cents); and

**WHEREAS**, the total value of this settlement with the above referred to fees amounts to \$43,582.00 (Forty Three Thousand Five Hundred Eighty Two Dollars and Zero Cents); and

**WHEREAS**, based upon all of the facts and circumstances surrounding this matter, Corporation Counsel and/or Outside Counsel deem it is in the best interest of the City of Newark to accept said settlement in the total amount of \$43,582.00 (Forty Three Thousand Five Hundred Eighty Two Dollars and Zero Cents).

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The settlement of the Workers' Compensation matter bearing C. P. No. 2014-20150 is hereby approved.

2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:

(a) \$34,906.00 (Thirty Four Thousand Nine Hundred Six Dollars and Zero Cents) made payable and mailed to: Andy Santana 116 Lincoln Avenue Newark, New Jersey 07104. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$3,074.00 (Three Thousand Seventy Four Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$450.00 (Four Hundred Fifty Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)

(b) \$7,686.00 (Seven Thousand Six Hundred Eighty Six Dollars and Zero Cents) made payable to Marc J. Brenner 222 Ridgedale Avenue, Cedar Knolls, New Jersey 07927.

(c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Morris Horwitz 175 Cedar Lane, Teaneck, New Jersey 07666.

(d) \$500.00 (Four Hundred Fifty Dollars and Zero Cents) made payable to Dr. Ana Komotar 175 Cedar Lane, Teaneck, New Jersey 07666.

(e) \$90.00 (Ninety Dollars and Zero Cents), made payable to State Shorthand Reporting Services P.O. Box 227, Allenhurst, New Jersey 07711.

3. Attached hereto are the certifications of the Comptroller of the City of Newark which state that there are available sufficient legally appropriated funds for the purpose set forth hereinabove and which state that the line appropriation of the official budget which shall be charged is NW024, Dept. ID 24T, Div. / Proj. 5T24, Account Code # 96310. A copy of the Comptroller's certifications shall be filed by the Corporation Counsel in the Office of the City

Clerk along with a copy of this Resolution.

**STATEMENT**

This resolution authorizes Chasan Lamparello Mallon and Cappuzzo, P.C., on behalf of the City of Newark, to effectuate settlement by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of \$43,582.00 (Forty Three Thousand Five Hundred Eighty Two Dollars and Zero Cents) brought by Andy Santana, who suffered injuries arising out of an accident that occurred on May 22, 2014 while he was employed by the Department of Public Safety, Police Division.