



Legislation Details (With Text)

File #: 18-0078 **Version:** 1 **Name:** Workers Compensation Settlement - Dwayne Wilkins
Type: Resolution **Status:** Adopted
File created: 1/19/2018 **In control:** Law
On agenda: 2/6/2019 **Final action:** 2/6/2019
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2015-17343
Claimant: Dwayne Wilkins
Claimant's Attorney: Livingston DiMarzio & Baptista, LLC.
Attorney's Address: 661 Franklin Avenue, Nutley, New Jersey 07110
Settlement Amount: \$38,421.84
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel
Sponsors: Council of the Whole

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Code sections:

Date	Ver.	Action By	Action	Result
2/6/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Dwayne Wilkins, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2015-17343 against the City of Newark seeking workers' compensation benefits due to injuries to his right shoulder while making an arrest on August 7, 2015, while employed as a Police Officer by the Department of Public Safety, Police Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Livingston, DiMarzio, & Baptista, LLC and the Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel"), the parties have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-20) by payment in the amount of

Thirty-Three Thousand Nine Hundred Fifty-Seven Dollars and Zero Cents (\$33,957.00). 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 attorneys fee of Four Thousand Seventy-Four Dollars and Eighty-Four Cents (\$4,074.84), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Michael Cohen, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Thirty Eight Thousand Four Hundred Twenty One Dollars and Eighty-Four Cents (\$38,421.84); and

WHEREAS, this settlement is subject to approval by the Judge of the Division of Workers' Compensation; and

WHEREAS, the total settlement amount may be subject to minor changes in amount or distribution at the time the Settlement Agreement is approved and the Settlement Order executed by the Judge of the Division of Workers' Compensation; and

WHEREAS, the Municipal Council believes it is in the best interests of the City of Newark, that minor changes to the amount of the settlement and distribution shall not require subsequent Municipal Council approval provided the settlement amount is not increased or decreased above \$500.00 and all the terms and conditions are substantially the same as authorized by the resolution; 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 Thirty-Eight Thousand Four Hundred Twenty-One Dollars and Eighty-Four Cents (\$38,421.84)

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. 2015-17343 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) \$30,940.44 (Thirty Thousand Nine Hundred Forty Dollars and Forty-Four Cents) made payable and mailed to Dwayne Wilkins 55 Glenwood Avenue, Apt. 100, East Orange, New Jersey 07017, (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,716.56. (Two Thousand Seven Hundred Sixteen Dollars and Fifty-Six Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$300.00 (Three Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$4,074.84 (Four Thousand Seventy-Four Dollars and Eighty-Four Cents) made payable to Livingston Dimarzio, & Baptista, LLP, 661 Franklin Avenue, Nutley, New Jersey 07110

(c) \$300.00 (Three Hundred Dollars and Zero Cents) made payable to Dr. Michael Cohen, 505 Morris Avenue, Suite 104, Springfield, New Jersey 07081

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien Associates, 525 Boulevard, Kenilworth, New Jersey 07033.

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 Business Unit NW024, Dept. ID 24T, Div./Proj. 5T24, Account Code 96310. A copy of the Comptroller's Certification shall be filed by the Corporation Counsel in the Office of the City Clerk along with a copy of this Resolution.

4. A fully executed copy of the Order Approving Settlement shall be filed in the Office of the City Clerk by the Corporation Counsel.

STATEMENT

This resolution authorizes the Corporation Counsel or his designee, The Woolridge Law Firm LLC, 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 \$38,421.84, brought by Dwayne Wilkins, who suffered injuries on January 1, 2015, while employed as a Police Officer by the Department of Public Safety, Police Division.