



Legislation Details (With Text)

File #: 18-0908 **Version:** 1 **Name:** Workers Compensation Settlement (Victorino Marzabal)
Type: Resolution **Status:** Adopted
File created: 6/7/2018 **In control:** Law
On agenda: 9/19/2018 **Final action:** 10/11/2018

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2013-7368
Claimant: Victorino Marzabal
Claimant's Attorney: Ricci & Fava
Attorney's Address: 16 Furler Street, 2nd Floor, Totowa, New Jersey 07512
Settlement Amount: \$41,678.00
Funding Source: Insurance Fund Commission
Additional Comments:
Invitation: Corporation Counsel
Deferred 7R6-a 091918

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/11/2018	1	Municipal Council	Adopt	Pass
9/19/2018	1	Municipal Council	Defer	Pass

Dept/ Agency: Law

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WHEREAS, the Petitioner, Victorino Marzabal, instituted suit in the Division of Workers Compensation of New Jersey, Bergen County, bearing C.P. Number 2013-7368 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on September 20, 2012, while working for the Department of Public Safety, Police Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Ricci & Fava,

Corporation Counsel and/or her designee, Chasan Lamparello Mallon & Cappuzzo, PC (“Outside Counsel”) have 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 Thirty-Six Thousand Nine Hundred Fifty-Four Dollars and Zero Cents (\$36,954.00). 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 attorney fee of Four Thousand Four Hundred Thirty-Four Dollars and Zero Cents (\$4,434.00), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Forty-One Thousand Six Hundred Seventy-Eight Dollars and Zero Cents (\$41,678.00); 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 Forty-One Thousand Six Hundred Seventy-Eight Dollars and Zero Cents (\$41,678.00).

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. 2013-7368 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) \$33,798.00 (Thirty-Three Thousand Seven Hundred Ninety- Eight Dollars and Zero Cents) made payable and mailed to Victorino Marzabal, 410 Forest Avenue, Lyndhurst, New Jersey 07071. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers’ Compensation, \$2,956.00 (Two Thousand Nine Hundred Fifty- Six Dollars and Zero Cents) is being subtracted from the Petitioner’s award to pay attorney’s fees, and \$200.00 (Two Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$7,390.00 (Seven Thousand Three Hundred Ninety Dollars and Zero Cents) made payable to Ricci & Fava, 16 Furler Street, 2nd Floor, Totowa, New Jersey

07512.

(c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Arthur Tiger, 8 Glenbrook Drive, Mendham, New Jersey 07845

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to Jersey Shore Court Reporting, 517A Passaic Avenue, Spring Lake, New Jersey 07762

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, Chasan Lamparello Mallon & 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 \$41,678.00 brought by Victorino Marzabal, who suffered injuries arising out of an accident that occurred on September 20, 2012, while he was employed by the Department of Public Safety, Police Division.