



Legislation Details (With Text)

File #: 18-0772 **Version:** 1 **Name:** Workers' Compensation Settlement (David McKnight)
Type: Resolution **Status:** Adopted
File created: 5/15/2018 **In control:** Law
On agenda: 7/11/2018 **Final action:** 7/11/2018
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2015-25477
Claimant: David McKnight
Claimant's Attorney: Garces, Grabler & LeBrocq
Attorney's Address: 415 Watchung Avenue, Plainfield, New Jersey 07060
Settlement Amount: \$28,291.44
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Acting Corporation Counsel
Sponsors: Council of the Whole

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Code sections:

Date	Ver.	Action By	Action	Result
7/11/2018	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, David McKnight, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2015-25477 against the City of Newark seeking workers' compensation benefits due to injuries to his lumbar spine from a fall on September 4, 2014 while employed by the City of Newark as Senior Aide to the Mayor; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Garces, Grabler & LeBrocq and Acting Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel") have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-20) by payment in the amount of Twenty -Four Thousand Nine Hundred and Twelve Dollars and Zero Cents (\$24,912.00). 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 Two Thousand Nine Hundred Eighty Nine Dollars and Forty-Four Cents (\$2,989.44), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Morris Horwitz, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), for a total settlement of Twenty Eight Thousand Two Hundred Ninety-One Dollars and Forty Four Cents (\$28,291.44); 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, Acting 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 Twenty Eight Thousand Two Hundred Ninety-One Dollars and Forty Four Cents (\$28,291.44).

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. 2015-25477 is hereby approved.
2. Upon receipt by the Acting 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) \$22,619.04 (Twenty-Two Thousand Six Hundred Nineteen Dollars and Four Cents) made payable and mailed to David McKnight 27 Goldsmith Avenue Newark, New Jersey 07105 (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$1,992.96 (One Thousand Nine Hundred Ninety- Two Dollars and Ninety 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) \$2,989.44 (Two Thousand Nine Hundred Eighty-Nine Dollars and Forty Four Cents) made payable to Garces, Grabler & LeBrocq P.C, 415 Watchung Avenue, Plainfield, New Jersey 07060
 - (c) \$300.00 (Three Hundred Dollars and Zero Cents) made payable to Dr. Morris

Horwitz, 175 Cedar Lane, Teaneck, New Jersey 07666

(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 certifications shall be filed by the Acting 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 Acting Corporation Counsel.

STATEMENT

This resolution authorizes the Acting 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 \$28,291.44, brought by David McKnight, 27 Goldsmith Avenue, Newark, New Jersey 07112, who suffered injuries while employed by the City of Newark as a Senior Aide to the Mayor.