



Legislation Details (With Text)

File #: 16-0397 **Version:** 1 **Name:** Workers' Compensation Settlement (James Lopez)
Type: Resolution **Status:** Adopted
File created: 2/26/2016 **In control:** Law
On agenda: 4/6/2016 **Final action:** 4/6/2016

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2013-31080
Claimant: James Lopez
Claimant's Attorney: Juliana E. Blackburn, Esq.
Attorney's Address: 936 Broad Street, 2nd Floor, Newark, New Jersey 07102
Settlement Amount: \$25,056.00
Funding Source: Insurance Fund Trust
Additional Comments:
Invitation: Corporation Counsel, April 5, 2016

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
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| 4/6/2016 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, the Petitioner, James Lopez, instituted suit in the Division of Workers' Compensation of New Jersey, Middlesex County, bearing C.P. Number 2013-31080 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on September 27, 2013 while working for the City of Newark; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Juliana E. Blackburn, Esq., Corporation Counsel and/or his designee, Martin M. Glazer, Esq. ("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 and N.J.S.A. 34:15-20) by payment in the amount of Twenty-Two Thousand Three Hundred Dollars and Zero Cents (\$22,300.00). Pursuant to the terms of the Settlement Orders 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 Three Hundred Seventy-Six Dollars and Zero Cents (\$2,376.00), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) and a transcription fee of One Hundred Eighty Dollars and Zero Cents (\$180.00) for a total settlement of Twenty-Five Thousand Fifty-Six Dollars and Zero Cents (\$25,056.00); 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 the 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 Twenty-Five Thousand Fifty-Six Dollars and Zero Cents (\$25,056.00).

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. Number 2013-31080 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) \$20,016.00 (Twenty Thousand Sixteen Dollars and Zero Cents) made payable and mailed to: James Lopez, 29 North Minisinc Avenue, Parlin, New Jersey 08859. It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$1,584.00 (One Thousand Five Hundred Eighty-Four Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney 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) \$4,460.00 (Four Thousand Four Hundred Sixty Dollars and Zero Cents) made payable to Juliana E. Blackburn, Esq., 936 Broad Street, 2nd Floor, Newark, New Jersey 07102.
 - (c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.
 - (d) \$180.00 (One Hundred Eighty Dollars and Zero Cents) made payable to John F.

Trainor, Inc., 4573 S Broad Street, Suite 110, Hamilton, New Jersey 08620

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 Corporation Counsel in the Office of the City Clerk along with a copy of this Resolution.

STATEMENT

This resolution authorizes Corporation Counsel or his designee, Martin M. Glazer, Esq., 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 \$25,056.00 (Twenty-Five Thousand Fifty-Six Dollars and Zero Cents) brought by James Lopez, 29 North Minisinc Avenue, Parlin, New Jersey 08859 and represented by Juliana E. Blackburn, Esq., who suffered injuries arising out of an accident that occurred on September 27, 2013, while he was employed by the City of Newark.