



Legislation Details (With Text)

**File #:** 19-1666      **Version:** 1      **Name:** Workers Compensation Settlement (Julio Rivera)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/22/2019      **In control:** Law  
**On agenda:** 11/26/2019      **Final action:** 11/26/2019

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2016-24150  
Claimant: Julio Rivera  
Claimant's Attorney: Leonard J. Tarantino, Esq.  
Attorney's Address: 2 University Plaza, Suite 101, Hackensack, New Jersey 07601  
Settlement Amount: \$56,194.00  
Funding Source: Insurance Trust Fund  
Additional Comments:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/26/2019	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Petitioner, Julio Rivera, instituted suit in the Division of Workers' Compensation of New Jersey, Essex County, bearing C.P. Number 2016-24150 against the City of Newark seeking Workers' Compensation benefits as a result of an accident that he sustained on September 11, 2014, while working for the City of Newark in the Department of Public Safety, Division of Police; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Leonard J. Tarantino and/or the 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) by payment in the amount of Forty-Four Thousand Nine Hundred Eighty-Nine Dollars and Zero Cents (\$44,989.00). Pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers Compensation. The payment was arrived at by taking the Permanency Settlement of Forty-Nine Thousand Five Hundred Fifty-Four Dollars and Zero Cents (\$49,554.00)

and subtracting Six Hundred Dollars and Zero Cents (\$600.00) for the Medical fees, and Three Thousand Nine Hundred and Sixty-Five Dollars and Zero Cents (\$3,965.00) for part of the attorney's fee. The City of Newark will also pay an attorney fee of Five Thousand Nine Hundred Fifty Dollars and Zero Cents (\$5,950.00), a medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), for a total settlement of Fifty-Six Thousand One Hundred Ninety-Four Dollars and Zero Cents (\$56,194.00); 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 correct 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 this resolution; and

**WHEREAS**, based on all of the facts and circumstances surrounding this matter, the 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 Fifty-Six Thousand One Hundred Ninety-Four Dollars and Zero Cents (\$56,194.00).

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

1. The settlement of the Workers' Compensation claim matter bearing C.P. Number 2016-24150 is hereby approved.
2. Upon receipt by the Corporation Counsel and /or the Outside Counsel of all supporting Documents the Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:
  - a. \$44,989.00 (Forty-Four Thousand Nine Hundred Eighty-Nine Dollars and Zero Cents made payable and mailed to Julio Rivera, 461 Cottrell Road, Matawan, New Jersey 07747. (It is understood pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation that the amounts hereby stated are being subtracted from the Petitioner's award to pay attorney fees of \$3,965.00 (Three Thousand Nine Hundred Sixty-Five Dollars and Zero Cents) and \$600.00 (Six Hundred Dollars and Zero Cents) is being subtracted to pay medical evaluation fees in accordance with the settlement provisions;
  - b. \$9,915.00 (Nine Thousand Nine Hundred Fifteen Dollars and Zero Cents) made payable to Leonard J. Tarantino, 2 University Plaza, Suite 2, Hackensack, New Jersey 07601;

- c. \$1,200.00 (One Thousand Two Hundred Dollars and Zero Cents) made payable to Sall Myers, P.O. Box 2947, Paterson, New Jersey 07509;
  - d. \$90.00 (Ninety Dollars and Zero Cents) made payable to State Shorthand Reporting, 212 Monmouth Road, Oakhurst, New Jersey 07755.
3. Attached hereto is the Certification of the Comptroller of the City of Newark which states 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 the 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, 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 Fifty Six Thousand One Hundred Ninety Four Dollars and Zero Cents (\$56,194.00), brought by Julio Rivera and represented by Leonard J. Tarantino, Esq., who suffered injuries arising out of an accident that occurred on September 11, 2104, while he was employed by the City of Newark in the Department of Public Safety, Division of Police.