



Legislation Details (With Text)

**File #:** 23-0208      **Version:** 1      **Name:** 23-0208 JAMES TEDESCO  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/31/2023      **In control:** Law  
**On agenda:** 3/1/2023      **Final action:** 3/1/2023  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation  
C.P. No.: 2016-3289  
Claimant: James Tedesco  
Claimant's Attorney: Robert Cannan, Esq., of Markman and Cannan, P.A., 391 Franklin Street, P.O. Box 1489, Bloomfield, New Jersey 07003  
Settlement Amount: \$246,402.00  
Funding Source: 2023 Budget/Law Department/Bus. Unit: NW024, Dept.: 24T, Div/Proj: 5T24, Account #96310  
Additional Comments:  
**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/1/2023	1	Municipal Council	Adopt	Pass

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**Additional Comments:**

**WHEREAS**, the Petitioner, James Tedesco, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2016-3289 against the City of Newark seeking workers' compensation benefits as a result of an injury to his back, neck, head, ribs, left hand and left index finger after falling down icy, cement stairs while in the course of employment with the City of Newark, Department of Public Safety; and

**WHEREAS**, the following settlement negotiations through Petitioner's attorney, Robert Cannan, Esq., of Markman and Cannan, P.A., and 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. 34:15-22) by payment in the amount of Two Hundred Thirty- Nine Thousand Four Hundred Dollars and Zero Cents

(\$239,400.00.) *minus* a voluntary tender in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00) which totals Two Hundred Nineteen Thousand Four Hundred Dollars and Zero Cents (\$219,400.00). 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's fee of (\$26,328.00) Twenty-Six Thousand Three Hundred Twenty-Eight Dollars and Zero Cents made payable to Markman and Cannan, located at 391 Franklin Street, P.O. Box 1489, Bloomfield, New Jersey 07003, a medical evaluation fee of Six Hundred Dollars (\$600.00), payable to Dr. Mark C. Wilner, M.D., 100 Hamilton Plaza 3rd Floor, Paterson, New Jersey 07509, and; a medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00) made payable to Dr. Pavel Tishuk, M.D., located 100 Hamilton Plaza 3rd Floor, Paterson, New Jersey 07509; and a transcription fee of Seventy Four Dollars and Zero Cents (\$74.00) made payable to Guy Renzi & Associates, Inc., 2277 State Highway #33 Suite 410 Trenton, New Jersey 08690 for a total settlement of Two Hundred Forty-Six Thousand Four Hundred Two Dollars and Zero Cents (\$246,402.00.); 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 Two Hundred Forty-Six Thousand Four Hundred Two Dollars and Zero Cents (\$246,402.00.).

**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.: 2016-3289 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:
3. \$201,248.00 (Two Hundred One Thousand Two Hundred Forty-Eight Dollars and Zero Cents) made payable and mailed to James Tedesco, 23 Wall Street, 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, \$17,552.00 (Seventeen Thousand Five Hundred Fifty-Two Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$600.00 (Six Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)

- (a) \$43,880.00 (Forty-Three Thousand Eight Hundred Eighty Dollars and Zero Cents made payable to Markman and Cannan, 391 Franklin Street, P.O. Box 1489, Bloomfield, New Jersey 07003.
- (b) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Mark C. Wilner M.D., 100 Hamilton Plaza 3rd Floor, Paterson, New Jersey 07509
- (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Pavel Tishuk, M.D., 100 Hamilton Plaza 3rd Floor, Paterson, New Jersey 07509
- (d) \$74.00 (Seventy-Four Dollars and Zero Cents) made payable to Guy Renzi & Associates Inc., 2277 State Highway #33, Suite 410, Trenton, New Jersey 08690

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.

- 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 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 \$246,402.00, brought by James Tedesco, 23 Wall Street, Newark, New Jersey 07105; and represented by Markman and Cannan., P.A., 391 Franklin Street, P.O. Box 1489, Bloomfield, New Jersey 07003 who suffered injuries to his back, neck, head, ribs, left hand and left index finger while employed by the City of Newark's Department of Public Safety.