



Legislation Details (With Text)

File #: 17-1641 **Version:** 1 **Name:** Workers Compensation Settlement - Jaylin Nolton, et al.
Type: Resolution **Status:** Adopted
File created: 9/12/2017 **In control:** Law
On agenda: 5/10/2018 **Final action:** 5/10/2018

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. Nos.: 2008-33747; 2008-30062; 2008-30057; 2013-21201
Claimants: Jaylin Nolton, Malani Nolton, Kayla Nolton, and Gail Nolton
Claimant's Attorney: David A. Bolson, Esq., Michael Glassman, Esq., Rothenberg, Rubenstein, Berliner & Shinrod, LLC.
Attorney's Address:
1. David A. Bolson, Esq., 76 South Orange Avenue, South Orange, New Jersey 07079
2. Rothenburg, Rubenstein, Berliner & Shinrod, LLC., 70 South Orange Avenue, Suite 205, Livingston, New Jersey 07039
3. Michael Glassman, Esq. 20 N. Park Place, Suite 200A, Morristown, New Jersey 07960
Settlement Amount: \$333,024.21
Funding Source: Insurance Fund Trust
Additional Comments:
This settlement resolves four dependency claims brought by the decedent Fire Fighter's heirs.
Invitation: Acting Corporation Counsel

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/10/2018	1	Municipal Council	Adopt	Pass

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WHEREAS, decedent Firefighter Cornelius M. Nolton, who was previously diagnosed with sickle cell anemia, was injured with smoke inhalation exposure at the scene of a fire on July 22, 2007; and

WHEREAS, the Petitioners, Jaylin Nolton, Malani Nolton, Kayla Nolton, and Gail Nolton are heirs to the decedent and filed Dependency Petitions in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Numbers 2008-33747; 2008-30062; 2008-30057; 2013-21201, respectively, against the City of Newark seeking workers' compensation benefits as a result of the decedent sustaining injuries due to smoke inhalation which caused sickle cell complications resulting in Firefighter Nolton's death on July 25, 2007; and

WHEREAS, following settlement negotiations through Petitioner's attorneys: David A. Bolson, Esq., Michael Glassman, Esq., Rothenberg, Rubenstein, Berliner & Shinrod, LLC and Acting Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel") the parties 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 Two Hundred Ninety Six Thousand Two Hundred Fifty Eight Dollars and Forty One Cents (\$296,258.41). 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 attorneys fees of Thirty Six Thousand One Hundred Five Dollars and Eighty Cents (\$36,105.80), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Michael Hermele and a medical evaluation fee and a transcription fee of Three Hundred Sixty Dollars and Zero Cents (\$360.00) for a total settlement amount for all four dependents of Three Hundred Thirty Three Thousand Twenty Four Dollars and Twenty One Cents (\$333,024.21); 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 Three Hundred Thirty-Three Thousand Twenty-Four Dollars and Twenty-One Cents (\$333,024.21).

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. Nos. 2008-33747; 2008-

30062; 2008-30057 and 2013-21201 are 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) \$44,793.00 (Forty-Four Thousand Seven Hundred and Ninety-Three Dollars and Zero Cents) made payable and mailed to Jaylin Nolton, 14 Lake Street, East Orange, New Jersey 07017.
 - b) \$66,605.41 (Sixty-Six Thousand Six Hundred Five Dollars and Forty- One Cents) made payable to: Malani Nolton,37-39 Chapman Place, Irvington, New Jersey 07111.
 - c) \$92,430.00 (Ninety-Two Thousand Four Hundred Thirty Dollars and Zero Cents) made payable to: Kayla Nolton, 425 18th Avenue, Paterson, New Jersey 07504.
 - d) \$92,430.00 (Ninety-Two Thousand Four Hundred Thirty Dollars and Zero Cents) made payable to: Gail Nolton, 425 18th Avenue, Paterson, New Jersey 07504.
 - e) \$5,375.16 (Five Thousand Three Hundred Seventy-Five Dollars and Sixteen Cents) made payable to David A. Bolson, Esq., 76 South Orange Avenue, South Orange, New Jersey 07079
 - f) \$7,992.64 (Seven Thousand Nine Hundred Ninety-Two Dollars and Sixty- Four Cents) made payable to Rothenburg, Rubenstein, Berliner & Shinrod, LLC, 70 South Orange Avenue, Suite 205, Livingston, New Jersey 07039
 - g) \$11,369.00 (Eleven Thousand Three Hundred Sixty-Nine Dollars and Zero Cents) made payable to Michael Glassman, 20 N. Park Place, Suite 200A, Morristown, New Jersey 07960
 - h) \$11,369.00 (Eleven Thousand Three Hundred Sixty-Nine Dollars and Zero Cents) made payable to Michael Glassman, 20 N. Park Place, Suite 200A, Morristown, New Jersey 07960
 - i) \$300.00 (Three Hundred Dollars and Zero Cents) made payable to Dr. Malcolm H. Hermele, 2333 Morris Avenue, Suite A-117 Union, New Jersey 07083
 - j) \$360.00 (Three Hundred Sixty 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 Orders Approving Settlement of four Workers' Compensation dependency claims in the amount of \$333,024.21 brought by Jaylin Nolton, Malani Nolton, Kayla Nolton, and Gail Nolton heirs to the Petitioner/decedent Cornelius M. Nolton, who suffered injuries of smoke inhalation causing sickle cell complications resulting in his death while he was employed by the City of Newark as a Fire Fighter.