



Legislation Details (With Text)

File #: 13-0764 **Version:** 1 **Name:**
Type: Resolution **Status:** Adopted
File created: 4/12/2013 **In control:** Law
On agenda: 7/3/2013 **Final action:** 7/3/2013
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2002-3807
Claimant: Franco DiPaolo
Claimant's Attorney: Spevack Law Offices
Attorney's Address: 525 Green Street, Iselin, New Jersey 08830
Settlement Amount: \$40,283.00
Funding Source: Insurance Fund Commission
Additional Comments:
Invitation: Corporation Counsel ,July 2, 2013

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
7/3/2013	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Franco DiPaolo, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2002-3807 against the City of Newark seeking workers' compensation benefits as a result of an accident that he suffered on December 26, 2001, while working for the Newark Police Department; and

WHEREAS, said Franco DiPaolo, through his attorney, has 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 Thirty Five, Thousand Seven Hundred Nine Dollars (\$35,709.00). Pursuant to the terms of the settlement order to be executed by the Judge of Compensation, the City of Newark will also pay an attorney's fee of Four Thousand, Two Hundred Eighty Four (\$4,284.00), a medical evaluation fee of Two Hundred Dollars (\$200.00) and a transcription fee of Ninety Dollars (\$90.00);

and

WHEREAS, the total value of this settlement with the above referred to fees amounts to Forty Thousand Two Hundred Eighty Three Dollars (\$40,283.00); and

WHEREAS, based upon all the facts and circumstances surrounding the matter, it is deemed in the best interest of the City of Newark to accept said settlement in the total amount of Forty Thousand Two Hundred Eighty Three Dollars (\$40,283.00).

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. 2002-3807 is hereby approved.
2. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of Thirty Two, Thousand Six Hundred Fifty Three Dollars (\$32,653.00) made payable and mailed to: Franco DiPaolo, 523 North 5th Street, Newark, New Jersey 07107. (It is understood that pursuant to the terms of the order to be entered by the Judge of the Division of Workers Compensation, Two Thousand Eight Hundred Fifty Six Dollars (\$2,856.00) is being subtracted from the Petitioner's award to pay attorney's fees, and Two Hundred Dollars (\$200.00) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
3. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of, Seven Thousand One Hundred Forty Dollars (\$7,140.00) made payable to Spevack Law Offices, 525 Green Street, Iselin, New Jersey 08830.
4. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of Four Hundred Dollars (\$400.00) made payable to Sall/Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.
5. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of Ninety dollars (\$90.00), made payable to William C. O'Brien Associates, 525 Boulevard, Box 428, Kenilworth, New Jersey 07003
6. 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 Fund 024, Agency 24T, Orgn 5T24, Object 96310.
7. 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, by and through her designee, Chasan Leyner & Lamparello, 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 \$40,283.00 brought by Franco DiPaolo who suffered injuries arising out of an accident that occurred on December 26, 2001.