



Legislation Details (With Text)

File #: 17-1934 **Version:** 1 **Name:** Workers Compensation Settlement - Daniel Zuenas
Type: Resolution **Status:** Adopted
File created: 11/1/2017 **In control:** Law
On agenda: 2/7/2018 **Final action:** 2/7/2018

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2015-30604
Claimant: Daniel Zuena
Claimant's Attorney: Manfred F. Ricciardelli, Jr., L.L.C., Esquire
Attorney's Address: 180 Speedwell Avenue, Morris Plains, New Jersey 07950
Settlement Amount: \$38,020.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Acting Corporation Counsel

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
2/7/2018	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Daniel Zuena, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2015-30604, against the City of Newark seeking workers' compensation benefits due to injuries to his left knee that he injured as a result of rescuing a family out of a burning building on August 7, 2015, while employed by the Fire Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Manfred F. Ricciardelli, Esq. and Acting 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. 34:15-20) by payment in the amount of Thirty-Three Thousand Five Hundred Ninety-Eight Dollars and Thirteen Cents (\$33,598.13). 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 fee of Four Thousand Thirty-One Dollars and Seventy-Seven Cents (\$4,031.77), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Stephen J. Flood, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement amount of Thirty-Eight Thousand Twenty Dollars and Zero Cents (\$38,020.00); 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, 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 Thirty-Eight Thousand Twenty Dollars and Zero Cents (\$38,020.00).

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. 2015-30604 is 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) \$30,610.28 (Thirty Thousand Six Hundred Ten Dollars and Twenty-Eight Cents) made payable and mailed to Daniel Zuena 95 Winged Foot Drive, Livingston, New Jersey 07039. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,687.85. (Two Thousand Six Hundred Eighty- Seven Dollars and Eighty-Five Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$300.00 (Three Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$6,719.62 (Six Thousand Seven Hundred Nineteen Dollars and Sixty-Two Cents) made payable to Manfred Ricciardelli, Jr., Esquire, 180 Speedwell Avenue, Morris Plains, New Jersey 07950
 - (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Stephen Flood, 100 Hamilton Plaza, 3rd Floor, Paterson, New Jersey 07500

(d) \$90.00 (Ninety 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 an Order Approving Settlement of a Workers' Compensation claim in the amount of \$38,020.00, brought by Daniel Zuena, 95 Winged Foot Drive, Livingston, New Jersey 07039, who suffered injuries arising out of a rescue he effectuated while employed as a City of Newark Firefighter.