



## Legislation Details (With Text)

**File #:** 19-0993      **Version:** 1      **Name:** Workers' Compensation Settlement-Lamont McLaurin  
**Type:** Resolution      **Status:** Adopted  
**File created:** 6/12/2019      **In control:** Law  
**On agenda:** 8/7/2019      **Final action:** 8/7/2019  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2000-7479  
Claimant: Lamont McLaurin  
Claimant's Attorney: Rothenberg Rubenstein Berliner & Shinrod, LLC.  
Attorney's Address: 70 South Orange Avenue, Suite 205, Livingston, New Jersey 07039  
Settlement Amount: \$82,422.00  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Corporation Counsel  
**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
8/7/2019	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Petitioner, Lamont McLaurin, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2000-7479 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on February 2, 1999, while working for the City of Newark when he injured both shoulders while using a jackhammer; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Rothenberg Rubenstein Berliner & Shinrod, LLC, Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C., ("Outside Counsel") 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

\$59,850.00 (Fifty-Nine Thousand Eight Hundred Fifty Dollars and Zero Cents). 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 \$7,182.00 (Seven Thousand One Hundred Eighty-Two Dollars and Zero Cents), medical evaluation fee of \$300.00 (Three Hundred Dollars and Zero Cents), a transcription fee of \$90.00 (Ninety Dollars and Zero Cents) and a Motion for Medical and Temporary Benefits fee in the amount of \$15,000.00 (Fifteen Thousand Dollars and Zero Cents); and

**WHEREAS**, the total value of this settlement with the above referred to fees amounts to \$82,422.00 (Eighty-Two Thousand Four Hundred Twenty-Two Dollars and Zero Cents); 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 \$82,422.00 (Eighty-Two Thousand Four Hundred Twenty-Two Dollars and Zero Cents).

**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. 2000-7479 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:
  - (a) \$54,762.00 (Fifty-Four Thousand Seven Hundred Sixty-Two Dollars and Zero Cents) made payable and mailed to Lamont McLaurin, 301 Ellery Avenue, Newark, New Jersey 07106. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$4,788.00 (Four Thousand Seven Hundred Eighty-Eight Dollars and Zero 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) \$26,970.00 (Twenty-Six Thousand Nine Hundred Seventy Dollars and Zero Cents) made payable to Rothenberg Rubenstein Berliner & Shinrod, LLC, 70 South

Orange Avenue, Suite 205, Livingston, New Jersey 07039.

- (c) \$600.00 (Three Two Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, PO Box 2947, Paterson, New Jersey 07509.
- (d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O' Brien & Associates, 525 Boulevard, Box 428, Kenilworth, New Jersey 07033.
- (e) The Fifteen Thousand Dollars and Zero Cents represents a court ordered counsel fee as a result of a Motion by the Judge for Medical and Temporary Benefits.

3. Attached hereto is the Certification 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 certification 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 the Corporation Counsel or his designee, Chasan Lamparello Mallon & Cappuzzo 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 \$82,422.00 (Eighty-Two Thousand Four Hundred Twenty-Two Dollars and Zero Cents) brought by Lamont McLaurin, for injuries he sustained while employed by the City of Newark.