



Legislation Details (With Text)

**File #:** 23-0003      **Version:** 1      **Name:** Philip Spagnola Worker's Compensation  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/3/2023      **In control:** Law  
**On agenda:** 2/1/2023      **Final action:** 2/1/2023

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation  
C.P. No.: 2018-5413  
Claimant: Philip Spagnola  
Claimant's Attorney: Ricci and Fava, LLC, 16 Furler Street, 2nd Floor, Totowa, New Jersey 07512  
Settlement Amount: \$61,567.00  
Funding Source: 2022 Budget/Law Department/Bus. Unit NW024, Dept. 24T, Div./Proj 5T24, Account #96310, Budget Ref. B2022  
Additional Comments:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
2/1/2023	1	Municipal Council	Adopt	Pass

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**Additional Comments:**

**WHEREAS**, the Petitioner, Phillip Spagnola, instituted suit in the Division of Workers Compensation of New Jersey, Morris County, bearing C.P. Number 2018-5413 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on October 14, 2016 while working for the City of Newark when he injured his right shoulder; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Ricci & Fava, 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 \$54,636.00 (Fifty-Four Thousand Six Hundred Thirty-Six 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 \$6,557.00 (Six Thousand Five Hundred Fifty-Seven Dollars and Zero Cents),

medical evaluation fee of \$300.00 (Three Hundred Dollars and Zero Cents) and a transcription fee of \$74.00 (Seventy-Four Dollars and Zero Cents); and

**WHEREAS**, the total value of this settlement with the above referred to fees amounts to \$61,567.00 (Sixty-One Thousand Five Hundred Sixty-Seven 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 \$61,567.00 (Sixty-One Thousand Five Hundred Sixty-Seven 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. 2018-5413 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) \$49,965.00 (Forty-Nine Thousand Nine Hundred Sixty-Five Dollars and Zero Cents) made payable and mailed to Phillip Spagnola, 18 Plains Road, Augusta, New Jersey 07822. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$4,371.00 (Four Thousand Three Hundred Seventy-One 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) \$10,928.00 (Ten Thousand Nine Hundred Twenty-Eight Dollars and Zero Cents) made payable to Ricci & Fava, LLC, 16 Furler Street, 2<sup>nd</sup> Floor, Totowa, New Jersey 07512.
  - (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Springfield

Regional Independent Medical Evaluations, P.O. Box 909, Morrisville, PA 19067 for Dr. Michael M. Cohen report.

(d) \$74.00 (Seventy-Four Dollars and Zero Cents), made payable to Guy J. Renzi & Associates, 2277 State Highway 33, Suite 410, Trenton, New Jersey 08690.

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 024, Dept. ID 24T, Div./Proj. 5T24, Account Code 96310. 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 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 \$61,567.00 (Sixty-One Thousand Five Hundred Sixty-Seven Dollars and Zero Cents) brought by Phillip Spagnola, for injuries he sustained while employed by the City of Newark.