



Legislation Details (With Text)

File #: 22-1249 **Version:** 1 **Name:**

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Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2019-22741
Claimant: Brisma Bertin
Claimant's Attorney: Rubenstein, Berliner and Shinrod
Settlement Amount: \$52,720.72
Funding Source: 2022 Budget/Law Department/Bus. Unit NW024, Dept. 24T, Activity A, 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, Brisma Bertin, instituted suit in the Division of Workers Compensation of the State of New Jersey, County of Essex, bearing C.P. Number 2019-22741 against the City of Newark seeking Workers' Compensation benefits as a result of injuries alleged on August 6, 2019, when the petitioner alleges, he sustained injury to the face and right shoulder with loss of consciousness when he was physically assaulted by his coworker while employed by the City of Newark, Department of Water and Sewer; and

WHEREAS, the following settlement negotiations through Petitioner's attorney, Shari Cohen, Esq., of the Rubenstein, Berliner, & Shinrod and 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 Forty-Two Thousand Six Dollars and Zero Cents (\$42,006.00), plus Section 20, Five Thousand Dollars and Zero Cents, (\$5,000.00) totaling Forty-Seven Thousand 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 and the City of Newark who will also pay an attorney's fee of Five Thousand Forty Dollars and Seventy-Two Cents (\$5,040.72), made payable to Shari Cohen, Esq., of the Rubenstein, Berliner, & Shinrod, 470 South Orange Avenue, Suite 205, Livingston, New Jersey 07039, a medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00), payable to Dr. Gerald West, M.D., 505 Chestnut Street, Roselle, New Jersey 07204; and a medical examination fee of Six Hundred Dollars and Zero Cents (\$600.00), made payable to Dr. Joseph Altongy, M.D., 100 Hamilton Plaza, Paterson, New Jersey 07505; and a stenographic transcription fee of Seventy-Four Dollars and Zero Cents (\$74.00), made payable to Guy Renzi & Associates, Inc., 2277 State Highway #33 Suite 410 Trenton, New Jersey 08690 for a total settlement of Fifty-Two Thousand Seven Hundred Twenty Dollars and Seventy-Two Cents (\$52,720.72); 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 Fifty-Two Thousand Seven Hundred Twenty Dollars and Seventy-Two Cents (\$52,720.72).

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. 2019-22741 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) \$41,045.52 (Forty-One Thousand Forty-Five Dollars and Fifty-Two Cents) made payable and mailed to Brisma Bertin, 45 Commonwealth 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, (\$5,360.48) Five Thousand Three Hundred Sixty Dollars and Forty-Eight Cents is being subtracted from the Petitioner's award to pay attorney's fees, and \$600.00 (Six Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$10,401.20 (Ten Thousand Four Hundred One Dollars and Twenty Cents) made

payable to Shari Cohen, Esq., of the Rubenstein, Berliner, & Shinrod, 470 South Orange Avenue, Suite 205, Livingston, New Jersey 07039;

(c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Gerald West, M.D., 505 Chestnut Street, Roselle, New Jersey 07204;

(d) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Joseph Altongy, M.D., 100 Hamilton Plaza, Paterson, New Jersey 07505,

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

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.

3. 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 and/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 \$52,720.72 brought by Brisma Bertin and represented by Attorney, Shari Cohen, Esq. of Rubenstein, Berliner and Shinrod, 470 South Orange Avenue, Suite 205, Livingston, New Jersey 07039, who suffered injuries on August 6, 2019, while employed by the City of Newark's Department of Water and Sewer as a plumber.