



## Legislation Details (With Text)

**File #:** 16-0165      **Version:** 1      **Name:** Workers' Compensation Settlement (Brian Costa)  
**Type:** Resolution      **Status:** Filed  
**File created:** 2/2/2016      **In control:** Law  
**On agenda:** 3/16/2016      **Final action:** 3/16/2016

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2013-3884  
Claimant: Brian Costa  
Claimant's Attorney: John McGovern, Esq.  
Attorney's Address: 45 Bleeker Street, Newark, New Jersey 07102  
Settlement Amount: \$36,383.00  
Funding Source: Insurance Fund Trust  
Additional Comments:  
Invitation: Corporation Counsel, March 15, 2016

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/16/2016	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Petitioner, Brian Costa, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2013-3884 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on December 29, 2012, while employed by the Newark Police Department; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, John P. McGovern, Esq. 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 Thirty Two Thousand Two Hundred and Twenty-Six Dollars and Zero Cents (\$32,226.00). 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 Three Thousand Eight Hundred Sixty-Seven Dollars and Zero Cents (\$3,867.00), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) for Dr. Arthur Tiger and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Thirty Six Thousand Three Hundred Eighty Three Dollars and Zero Cents (\$36,383.00); 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, 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-Six Thousand Three Hundred and Eighty-Three Dollars and Zero Cents (\$36,383.00).

**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. 2013-3884 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) \$32,226.00 (Thirty-Two Thousand Two Hundred and Twenty-Six Dollars and Zero Cents) made payable and mailed to Brian Costa, 107 Passaic Avenue, Nutley, New Jersey 07110. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,578.00 (Two Thousand Five Hundred and Seventy Eight Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$200.00 Two Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
  - (b) \$3,867.00 (Three Thousand Eight Hundred and Sixty Seven Dollars and Zero Cents) made payable to John McGovern, Esq. 45 Bleeker Street Newark, New Jersey 07102.
  - (c) \$200.00 (Two Hundred Dollars and Zero Cents) made payable to Arthur Tiger M.D., 600 Mount Pleasant Avenue Dover, New Jersey 07801.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien, Inc., Post Office Box 428, 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 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 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 \$36,383.00 brought by Brian Costa 107 Passaic Avenue Nutley, New Jersey 07110 and represented by John McGovern, Esq. who suffered injuries arising out of an accident that occurred on December 29, 2012, while employed by the Newark Police Department.