



## Legislation Details (With Text)

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**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation  
C.P. No.: 2011-4847  
Claimant: Terrell Day  
Claimant's Attorney: Alan Berliner, Esquire  
Attorney's Address: 50 Park Place, 9th Floor, Newark, New Jersey 07102  
Settlement Amount: \$26,545.00  
Funding Source: Insurance Fund Commission  
Additional Comments:  
Invitation: Corporation Counsel, April 30, 2013

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/1/2013	1	Municipal Council	Adopt	Pass

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**Claimant:** Terrell Day

**Claimant's Attorney:** Alan Berliner, Esquire

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**Settlement Amount:** \$26,545.00

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**WHEREAS**, the Petitioner, Terrell Day, instituted suit in the Division of Workers Compensation of New Jersey, Union County, bearing C.P. Number 2011-4847 against the City of Newark seeking workers' compensation benefits as a result of an accident that he suffered on May 19, 2010, while working for the Police Department; and

**WHEREAS**, said Terrell Day, through his attorney, 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 Twenty Three Thousand Four Hundred Forty Two Dollars (\$23,442.00). Pursuant to the terms of the settlement order to be executed by the Judge of Compensation, the City of Newark will also pay an attorney's fee of Two Thousand Eight Hundred Thirteen Dollars (\$2,813.00), a medical evaluation fee of Two Hundred Dollars (\$200.00) and a transcription fee of Ninety Dollars (\$90.00);

and

**WHEREAS**, the total value of this settlement with the above referred to fees amounts to Twenty Six Thousand Five Hundred Forty Five Dollars (\$26,545.00); and

**WHEREAS**, based upon all the facts and circumstances surrounding the matter it is deemed in the best interest of the City of Newark to accept said settlement in the total amount of Twenty Six Thousand Five Hundred Forty Five Dollars (\$26,545.00).

**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. 2011-4847 is hereby approved.
2. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of Twenty One Thousand Three Hundred Sixty Seven Dollars (\$21,367.00) made payable and mailed to: Terrell Day, 1293 Oakwood Avenue, Hillside, New Jersey 07205. (It is understood that pursuant to the terms of the order to be entered by the Judge of the Division of Workers Compensation, One Thousand Eight Hundred Seventy Five Dollars (\$1,875.00) is being subtracted from the Petitioner's award to pay attorney's fees, and Two Hundred Dollars (\$200.00) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
3. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of Four Thousand Six Hundred Eighty Eight Dollars (\$4,688.00) made payable to Alan Berliner, Esq., 50 Park Place, 9<sup>th</sup> Floor, Newark, New Jersey 07102.
4. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of Four Hundred Dollars (\$400.00) made payable to Sall/Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.
5. Upon receipt by the Corporation Counsel of all supporting documents the Director of Finance is hereby authorized to issue a check in the amount of Ninety Dollars (\$90.00), made payable to William C. O'Brien Associates, P.O. Box 528, Kenilworth, New Jersey 07033.
6. 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 Fund 024, Agency 24T, Orgn 5T24, Object 96310.
7. 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 of the City of Newark to effectuate settlement by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of \$26,545.00, brought by Terrell Day who suffered injuries arising out of an accident that occurred on May 19, 2010 while working for the Police Department.