



## Legislation Details (With Text)

**File #:** 14-0294      **Version:** 1      **Name:** Workers' Compensation Settlement: Robert Freda  
**Type:** Resolution      **Status:** Filed  
**File created:** 3/3/2014      **In control:** Law  
**On agenda:** 4/16/2014      **Final action:** 4/16/2014  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation  
C.P. No.: 2005-28896  
Claimant: Robert Freda  
Claimant's Attorney: Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd, LLP  
Attorney's Address: 400 Market Street, Newark, New Jersey 07106  
Settlement Amount: \$39,843.00  
Funding Source: Insurance Fund Trust Account  
Additional Comments:  
Invitation: Corporation Counsel , April 15, 2014

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
4/16/2014	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Law

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**Claimant:** Robert Freda

**Claimant's Attorney:** Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd, LLP

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**WHEREAS**, the Petitioner, Robert Freda, instituted suit in the Division of Workers' Compensation of New Jersey, Essex County, bearing C.P. Number 2005-28896 against the City of Newark seeking Workers' Compensation Benefits, as a result of an accident that he sustained on February 10, 2005, while working for the Newark Police Department; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd, LLP, Corporation Counsel and/or her designee, Chasan Leyner & Lamparello, P.C. ("Outside Counsel") have agreed to amicably resolve and settle this matter under Section 22 of the Workers' Compensation Act (*N.J.S.A. 34:15-22*) by payment in the amount of Thirty-Four Thousand Six Hundred Fifty-Three Dollars (\$34,653.00). 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 Four Thousand Nine Hundred Dollars (\$4,900.00), a medical evaluation fee of Two Hundred Dollars (\$200.00) and a transcription fee of Ninety Dollars (\$90.00) for a total settlement of Thirty-Nine Thousand Eight Hundred Forty- Three Dollars (\$39,843.00); 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, the 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-Nine Thousand Eight Hundred Forty-Three Dollars (\$39,843.00).

**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. 2005-28896 is hereby approved.
2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Acting Director of Finance is hereby authorized and directed to issue checks totaling Thirty-Nine Thousand Eight Hundred Forty- Three Dollars (\$39,843.00) in the amounts as follows:
  - (a) \$32,423.00 (Thirty-Two Thousand Four Hundred Twenty-Three Dollars) made payable and mailed to Robert Freda, 32 Demarest Drive, Manalapan, New Jersey 07726. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,030.00 (Two Thousand Thirty Dollars) is being subtracted from the Petitioner's award to pay attorney's fees, and \$200.00 (Two Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
  - (b) \$6,930.00 (Six Thousand Nine Hundred Thirty Dollars) made payable to Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd, LLP, 400 Market Street, Newark, New Jersey 07106.
  - (c) \$400.00 (Four Hundred Dollars) made payable to Morris Horowitz, M.D., 175 Cedar Lane, Teaneck, New Jersey 07666.
  - (d) \$90.00 (Ninety Dollars), 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 states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove and that the line appropriation of the official budget which shall be charged is: Fund 024, Agency 24T, Orgn 5T24, Object 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 hereby authorizes the Corporation Counsel and his/her designee, Chasan Leyner & Lamparello, PC ("Outside Counsel"), 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 Thirty-Nine Thousand Eight Hundred Forty- Three Dollars (\$39,843.00) brought by Robert Freda, 32 Demarest Drive, Manalapan, New Jersey 07726 and represented by Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd, LLP, 400 Market Street, Newark, New Jersey 07106, who suffered injuries arising out of an accident that occurred on February 10, 2005 while he was working as a Police Officer for the Newark Police Department.