



Legislation Details (With Text)

**File #:** 24-0246      **Version:** 1      **Name:** Resolution: Workers Compensation Settlement - Kenneth Holloway

**Type:** Resolution      **Status:** Adopted

**File created:** 2/16/2024      **In control:** Law

**On agenda:** 4/10/2024      **Final action:** 4/10/2024

**Title:** Dept/ Agency: Law  
 Action: ( ) Ratifying (X) Authorizing ( ) Amending  
 Purpose: Settlement of Workers' Compensation  
 C.P. No.: 2021-13732  
 Claimant: Kenneth M. Holloway  
 Claimant's Attorney: Kenneth M. Sunberg, Esq., Law Offices of Kenneth M. Sunberg, LLC, 58 Vose Avenue, South Orange, New Jersey 07039  
 Settlement Amount: \$92,243.12  
 Funding Source: 2024 Budget/Law Department/Bus. Unit: NW024, Dept.: 24T, Div./Proj: 5T24, Account # 96310, Budget Ref. B2024  
 Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
4/10/2024	1	Municipal Council		

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**Additional Information:**

**WHEREAS**, the Petitioner, Kenneth M. Holloway, instituted suit in the Division of Workers Compensation of New Jersey, Passaic County, bearing C.P. #2021-13732 against the City of Newark seeking Workers' Compensation benefits, as a result of alleged injuries sustained on December 16, 2020 while employed by the City of Newark, Department of Public Works; and

**WHEREAS**, the following settlement negotiations through Petitioner's attorney, Kenneth M. Sunberg, Esq., of the Law Offices of Kenneth M. Sunberg, LLC., 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 Eighty-Two Thousand Twenty-Six Dollars and Zero Cents (\$82,026.00.).

Pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers' Compensation, the City of Newark who will also pay an attorney's fee of Nine Thousand Eight Hundred Forty-Three Dollars and Twelve Cents (\$9,843.12); A medical examination fee of Three Hundred Dollars and Zero Cents (\$300.00) made payable to: Dr. Joseph Altongy, M.D., located at 100 Hamilton Plaza, 3<sup>rd</sup> Floor, Paterson, New Jersey 07050 and a transcription fee of Seventy-Four Dollars and Zero Cents (\$74.00) made payable to: Guy Renzi and Associates, Inc., located at 2277 State Highway #33, Suite 410, Trenton, New Jersey 08690 for a total settlement in the total amount of Ninety-Two Thousand Two Hundred Forty-Three Dollars and Twelve Cents (\$92,243.12) 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 Five Hundred Dollars and Zero Cents (\$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 Ninety-Two Thousand Two Hundred Forty-Three Dollars and Twelve Cents (\$92,243.12).

**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. #2021-13732 is hereby approved.
2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Director of the Department of Finance is hereby authorized and directed to issue checks in the amounts as follows:
  - (a) \$75,163.92 (Seventy-Five Thousand One Hundred Sixty-Three Dollars and Ninety-Two Cents) made payable to: Kenneth Holloway, 50 East 34<sup>th</sup> Street, Paterson, New Jersey 07050 (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$6,562.08 (Six Thousand Five Hundred Sixty-Two Dollars and Eight 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 evaluation in accordance with the settlement provisions.).
  - (b) \$16,405.20 (Sixteen Thousand Four Hundred Five Dollars and Twenty

- Cents) made payable to Kenneth M. Sunberg, Esq., 58 Vose Avenue, South Orange, New Jersey 07039.
- (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to: Dr. Joseph Altongy, M.D., 100 Hamilton Plaza, 3rd Floor, Paterson, New Jersey 07050.
- (d) d. \$74.00 (Seventy-Four Dollars and Zero Cents) made payable to: Guy Renzi and Associates Inc., 2277 State Highway #33, Suite 410, Trenton, New Jersey, 08690.
3. 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 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 \$92,243.12 brought by Kenneth Holloway whose address is Paterson, New Jersey and represented by Kenneth M. Sunberg, Esq., 58 Vose Avenue, South Orange, New Jersey 07039, as a result of alleged injuries sustained on December 16, 2020 while employed by the City of Newark's Department of Public Works.