



## Legislation Details (With Text)

**File #:** 17-2188      **Version:** 1      **Name:** Workers Compensation Settlement - Michael Kormash  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/14/2017      **In control:** Law  
**On agenda:** 5/10/2018      **Final action:** 5/10/2018  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2014-33853  
Claimant: Michael Kormash  
Claimant's Attorney: Stark & Stark  
Attorney's Address: P.O. Box 5315, Princeton, New Jersey 08543  
Settlement Amount: \$22,970.00  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Acting Corporation Counsel  
**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/10/2018	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Petitioner, Michael Kormash, instituted suit in the Division of Workers Compensation of New Jersey, Morris County, bearing C.P. Number 2014-33853 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on August 11, 2014, while working for the Newark Fire Department; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Stark & Stark, Acting Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, PC ("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 Twenty Thousand Two Hundred Fifty Dollars and Zero Cents (\$20,250.00). 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 Two- Thousand Four Hundred Thirty Dollars and Zero Cents (\$2,430.00), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty-Two Thousand Nine Hundred Seventy Dollars and Zero Cents (\$22,970.00); 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, Acting 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 Twenty-Two Thousand Nine Hundred Seventy Dollars and Zero Cents (\$22,970.00).

**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. 2014-33853 is hereby approved.
2. Upon receipt by the Acting 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) \$18,430.00 (Eighteen Thousand Four Hundred Thirty Dollars and Zero Cents) made payable and mailed to Michael Kormash, 38 Hickory Way, Mount Arlington, New Jersey 07856. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$1,620.00 (One Thousand Six Hundred Twenty 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) \$4,250.00 (Four Thousand Two Hundred Fifty Dollars and Zero Cents) made payable to Stark & Stark, P.O. Box 5315, Princeton, New Jersey 08543.
  - (c) \$200.00 (Two Hundred Dollars and Zero Cents) made payable to Dr. Michael Cohen, 201 Woolston Drive, Morrisville, Pennsylvania 19067.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien, 525 Boulevard, 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 024, Dept. ID 24T, Div./Proj. 5T24, Account Code 96310. A copy of the Comptroller's certifications shall be filed by the Acting 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 Acting Corporation Counsel.

### **STATEMENT**

This resolution authorizes the Acting Corporation Counsel or his designee, Chasan Lamparello Mallon & Cappuzzo, PC, 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 Twenty-Two Thousand Nine Hundred Seventy Dollars and Zero Cents (\$22,970.00) brought by Michael Kormash, who suffered injuries arising out of an accident that occurred on August 11, 2014 while employed by the Newark Fire Department.