



## Legislation Details (With Text)

**File #:** 17-2191      **Version:** 1      **Name:** Workers Compensation Settlement - Michael Roberts  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/14/2017      **In control:** Law  
**On agenda:** 5/23/2018      **Final action:** 5/30/2018  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2007-711  
Claimant: Michael Roberts  
Claimant's Attorney: Mandell & Sawyer, PC  
Attorney's Address: 45 Essex Street, Millburn, New Jersey 07041  
Settlement Amount: \$77,742.53  
Funding Source: Insurance Fund Trust  
Additional Comments:  
Deferred 7R6-a 052318  
**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/30/2018	1	Municipal Council	Adopt	Pass
5/30/2018	1	Municipal Council		
5/23/2018	1	Municipal Council	Defer	Pass
5/23/2018	1	Municipal Council	Defer to a Special Meeting	Pass

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**WHEREAS**, the Petitioner, Michael Roberts, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2007-711 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on June 2, 2006 while working for the City of Newark Department of Neighborhood and Recreational Services, Division of Sanitation, when he fell off the back of a garbage truck; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Mandel & Sawyer,

Acting Corporation Counsel and/or 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 \$64,977.53 (Sixty-Four Thousand Nine Hundred Seventy Seven Dollars and Fifty Three Cents). 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’s fee of \$12,640.00 (Twelve Thousand Six Hundred Forty Dollars and Zero Cents), and a transcription fee of \$125.00 (One Hundred Twenty-Five Dollars and Zero Cents); and

**WHEREAS**, the total value of this settlement with the above referred to fees amounts is \$77,742.53 (Seventy-Seven Thousand Seven Hundred Forty-Two Dollars and Fifty-Three Cents); 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 \$77,742.53 (Seventy-Seven Thousand Seven Hundred Forty-Two Dollars and Fifty-Three Cents); and

**WHEREAS**, the City will realize significant savings due to the Social Security offset and Second Injury Fund Contributions.

**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. 2007-711 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) \$59,957.53 (Fifty-Nine Thousand Nine Hundred Fifty-Seven Dollars and Fifty-Three Cents) made payable and mailed to Michael Roberts, 48 Ellis Avenue-2<sup>nd</sup> floor, Irvington, New Jersey 07111. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$5,020.00 (Five Thousand Twenty Dollars and Zero Cents) is being subtracted from the Petitioner’s award to pay attorney’s fees, in accordance with the settlement provisions.
  - (b) \$17,660.00 (Seventeen Thousand Six Hundred Sixty Dollars and Zero Cents) made payable to Mandel & Sawyer, PC, 45 Essex Street, Millburn, New Jersey 07041.
  - (c) \$125.00 (One Hundred Twenty-Five Dollars and Zero Cents), made payable to William C. O’ Brien & Associates, 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 NW024, 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 and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C., 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 \$77,742.53 brought by Michael Roberts who suffered injuries arising out of an accident that occurred on June 2, 2006, while he was employed by the former Department of Neighborhood and Recreational Services, Division of Sanitation.