



Legislation Details (With Text)

File #: 21-0022 **Version:** 1 **Name:** Worker's Compensation - Terrance Adams
Type: Resolution **Status:** Adopted
File created: 1/5/2021 **In control:** Law
On agenda: 4/7/2021 **Final action:** 4/7/2021
Title: Dept./ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2005-14971
Claimant: Terrance Adams
Claimant's Attorney: Livingston DiMarzio, LLP
Settlement Amount: \$70,347.00
Funding Source: Insurance Trust Fund
Additional Comments:

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/7/2021	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Terrance Adams, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. No. 2005-14971 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on May 9, 2005, while working for the City of Newark, Department of Public Works, Division of Sanitation, when he suffered psychiatric residuals after trying to move out of the way of a speeding car; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Livingston DiMarzio, Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, 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 (\$62,194.00) Sixty-Two Thousand One Hundred Ninety-Four Dollars and Zero 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 Seven Thousand Four Hundred Sixty-Three Dollars and Zero Cents (\$7,463.00), medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00) and

a transcription fee of Ninety Dollars and Zero Cents (\$90.00); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to Seventy Thousand Three Hundred Forty-Seven Dollars and Zero Cents (\$70,347.00); 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, 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 Seventy Thousand Three Hundred Forty-Seven Dollars and Zero Cents (\$70,347.00).

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. 2005-14971 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) \$56,618.00 (Fifty Six Thousand Six Hundred Eighteen Dollars and Zero Cents) made payable and mailed to: Terrance Adams, of Newark, New Jersey 07103. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, Four Thousand Nine Hundred Seventy-Six Dollars and Zero Cents (\$4,976.00) is being subtracted from the Petitioner's award to pay attorney's fees and Six Hundred Dollars and Zero Cents (\$600.00) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.
 - (b) \$12,439.00 (Twelve Thousand Four Hundred Thirty-Nine Dollars and Zero Cents) made payable to: Livingston DiMarzio, of Nutley, New Jersey 07110.
 - (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to: Dr. David Weiss, of Morrisville, Pennsylvania 19067.
 - (d) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to: Dr. Angela

Adams, Riverside Medical, 117 Kinderkamack Road, Suite 102, River Edge, New Jersey 07661.

(e) \$90.00 (Ninety 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 024, Dept. ID 24T, Div./Proj. 5T24, Account Code 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 authorizes the Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo on behalf of the City of Newark, to effectuate a settlement by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of \$70,347.00, brought by Terrance Adams, for injuries he sustained while employed by the City of Newark, Department of Public Works, Division of Sanitation.