



Legislation Details (With Text)

File #: 20-0862 **Version:** 1 **Name:** Resolution: Worker's Compensation - Louis Mainero
Type: Resolution **Status:** Adopted
File created: 7/14/2020 **In control:** Law
On agenda: 10/7/2020 **Final action:** 10/21/2020

Title: Dept./ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2013-22141
Claimant: Louis Mainero
Claimant's Attorney: Feeley & LaRocca
Attorney's Address: 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079
Settlement Amount: \$54,782.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel, October 20, 2020
Deferred 7R6-b 100720

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/21/2020	1	Municipal Council	Adopt	Pass
10/7/2020	1	Municipal Council	Defer	Pass

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WHEREAS, the Petitioner, Louis Mainero, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. #2013-22141 against the City of Newark (the "City") seeking workers' compensation benefits, as a result of an accident that he sustained on May 22, 2013 while working for the City of Newark, Department of Public Safety, Division of Fire when he felt chest pain while pulling a hose; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Feeley & LaRocca, Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C.,

("Outside Counsel") has 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 Forty Eight Thousand Five Hundred Sixty-Four Dollars and Zero Cents (\$48,564.00). Pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers' Compensation, the City will also pay an attorney's fee of Five Thousand Eight Hundred Twenty- Eight Dollars and Zero Cents (\$5,828.00), medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) 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 Fifty Four Thousand Seven Hundred Eighty-Two Dollars and Zero Cents (\$54,782.00); 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, 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 to accept said settlement in the total amount of Fifty Four Thousand Seven Hundred Eighty-Two Dollars and Zero Cents (\$54,782.00).

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. #2013-22141 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) Forty Four Thousand Three Hundred Seventy-Nine Dollars and Zero Cents (\$44,379.00) made payable and mailed to: Louis Mainero, 6 Gonnelli Street, Nutley, New Jersey 07110. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, Three Thousand Eight Hundred Eighty-Five Dollars and Zero Cents (\$3,885.00) is being subtracted from the Petitioner's award to pay attorney's fees and Three Hundred Dollars and Zero Cents (\$300.00) is being subtracted to pay for Medical Evaluations in accordance with the settlement provisions.
 - (b) Nine Thousand Seven Hundred Thirteen Dollars and Zero Cents (\$9,713.00)

made payable to: Feeley & LaRocca, 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079.

(c) Six Hundred Dollars and Zero Cents (\$600.00) made payable to: Regional Independent, Dr. Leon Waller, 201 Woolston Drive, Morrisville, Pennsylvania 19067.

(d) Ninety Dollars and Zero Cents (\$90.00) made payable to: William C. O' Brien & Associates 525 Boulevard, Box 428, Kenilworth, New Jersey 07033.

3. Attached hereto is the Certification of Funds 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 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 \$54,782.00 brought by Louis Mainero, for injuries he sustained while employed by the Department of Public Safety, Division of Fire.