



## Legislation Details (With Text)

**File #:** 21-0185      **Version:** 1      **Name:** Worker's Compensation - Roberto Gonzalez  
**Type:** Resolution      **Status:** Adopted  
**File created:** 2/9/2021      **In control:** Law  
**On agenda:** 3/17/2021      **Final action:** 3/17/2021

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation  
C.P. No.: 2015-594  
Claimant: Roberto Gonzalez  
Claimant's Attorney: DiMarzio and Baptista, LLP  
Settlement Amount: \$122,962.80  
Funding Source: Insurance Trust Fund  
Additional Comments:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

| Date      | Ver. | Action By         | Action | Result |
|-----------|------|-------------------|--------|--------|
| 3/17/2021 | 1    | Municipal Council | Adopt  | Pass   |

**Dept/ Agency:** Law  
**Action:** ( ) Ratifying (X) Authorizing ( ) Amending  
**Purpose:** Settlement of Workers' Compensation  
**C.P. No.:** 2015-594  
**Claimant:** Roberto Gonzalez  
**Claimant's Attorney:** DiMarzio and Baptista, LLP  
**Settlement Amount:** \$122,962.80  
**Funding Source:** Insurance Trust Fund  
**Additional Comments:**

**WHEREAS**, the Petitioner, Roberto Gonzalez, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. No: 2015-594 against the City of Newark seeking workers' compensation benefits as a result of an injury of the right shoulder and cervical spine while installing a transmission during the course of duty, on January 8, 2015, while employed as a Police Officer for the Department of Public Safety, Division of Police; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Livingston DiMarzio Baptista, LLP, 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 One Hundred Nine Thousand Four Hundred Forty Dollars and Zero Cents (\$109,440.00). 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's fee of Thirteen Thousand One Hundred Thirty-Two Dollars and Eighty Cents (\$13,132.80), made payable to: Livingston, DiMarzio and Baptista, LLP, of Nutley, New

Jersey 07661, a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00), payable to: Dr. Ahmed Munir, M.D., of North Brunswick Township, New Jersey 08902, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), made payable to: Guy Renzi & Associates, Inc., of Trenton, New Jersey 08690, for a total settlement of One Hundred Twenty-Two Thousand Nine Hundred Sixty-Two Dollars and Eighty Cents (\$122,962.80); 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 One Hundred Twenty-Two Thousand Nine Hundred Sixty-Two Dollars and Eighty Cents (\$122,962.80);

**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. 2015-594 is hereby approved.
2. Upon receipt by the 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) One Hundred Thousand Three Hundred Eighty-Four Dollars and Eighty Cents (\$100,384.80), made payable and mailed to: Roberto Gonzalez, (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, Eight Thousand Seven Hundred Fifty-Five Dollars and Twenty Cents (\$8,755.20), 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 evaluation in accordance with the settlement provisions.)
  - (b) Eight Thousand Seven Hundred Fifty-Five Dollars and Twenty Cents (\$8,755.20), made payable to: Livingston, DiMarzio and Baptista, LLP, of Nutley, New Jersey 07661.
  - (c) Thirteen Thousand One Hundred Thirty-Two Dollars and Eighty Cents (\$13,132.80) made payable to: Livingston, DiMarzio and Baptista, LLP, of Nutley, New Jersey 07661.
  - (d) Three Hundred Dollars and Zero Cents (\$300.00), made payable to Dr. Ahmed Munir,

M.D., of North Brunswick Township, New Jersey 08902.

(e) Three Hundred Dollars and Zero Cents (\$300.00), made payable to: Dr. Ahmed Munir, M.D., of North Brunswick Township, New Jersey 08902.

(f) Ninety Dollars and Zero Cents (\$90.00), made payable to: Guy Renzi & Associates Inc., of Trenton, New Jersey 08690.

3. Attached hereto are the Certifications of the City Comptroller, 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. The Corporation Counsel shall file a copy of the Comptroller's Certifications in the Office of the City Clerk along with a copy of this resolution.

4. The Corporation Counsel shall file a fully executed copy of the Order Approving Settlement in the Office of the City Clerk.

### **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 \$122,962.80 brought by Roberto Gonzalez of Newark, New Jersey; and represented by Livingston, DiMarzio, Baptista LLP, of Nutley New Jersey 07661, who suffered injuries on January 8, 2015, while employed as a Police Officer for the Department of Public Safety, Division of Police.