



Legislation Details (With Text)

File #: 16-1551 **Version:** 1 **Name:** Workers' Compensation (Nathaniel Baines)
Type: Resolution **Status:** Adopted
File created: 10/4/2016 **In control:** Law
On agenda: 11/2/2016 **Final action:** 11/2/2016

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2014-31371
Claimant: Nathaniel Baines
Claimant's Attorney: Livingston, DiMarzio, L.L.P.
Attorney's Address: 661 Franklin Avenue, Nutley, New Jersey 07110
Settlement Amount: \$88,522.00
Funding Source: Insurance Fund Trust
Additional Comments:
Invitation: Corporation Counsel, November 1, 2016

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
11/2/2016	1	Municipal Council	Adopt	Pass

Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2014-31371
Claimant: Nathaniel Baines
Claimant's Attorney: Livingston, DiMarzio, L.L.P.
Attorney's Address: 661 Franklin Avenue, Nutley, New Jersey 07110
Settlement Amount: \$88,522.00
Funding Source: Insurance Fund Trust
Additional Comments:
Invitation: Corporation Counsel, November 1, 2016

WHEREAS, the Petitioner, Nathaniel Baines, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-31371 against the City of Newark seeking workers' compensation benefits as a result of a back injury he sustained on February 18, 2014, while working for the City of Newark, Department of Water and Sewer Utilities; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Livingston, DiMarzio, L.L.P., Corporation Counsel and/or his designee, Chasan Leyner & Lamparello, 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 Seventy Eight Thousand Six Hundred Dollars and Zero Cents (\$78,600.00). 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 Nine Thousand Four Hundred Thirty Two Dollars and Zero Cents (\$9,432.00), a medical evaluation fee of Four Hundred Dollars and Zero Cents (\$400.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Eighty Eight Thousand Five Hundred Twenty Two Dollars and Zero Cents (\$88,522.00); 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 Eighty Eight Thousand Five Hundred Twenty Two Dollars and Zero Cents (\$88,522.00).

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. 2014-31371 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) \$71,854.75 (Seventy One Thousand Eight Hundred Fifty Four Dollars and Seventy Five Cents) made payable and mailed to Nathaniel Baines, P.O Box 25545, Newark, New Jersey 07102. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$6,345.25 (Six Thousand Three Hundred Forty Five Dollars and Twenty Five Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$400.00 (Four Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$15,777.25 (Fifteen Thousand Seven Hundred Seventy Seven Dollars and Twenty Five Cents) made payable to Livingston, DiMarzio, L.L.P., 661 Franklin Avenue, Nutley, New Jersey 07110.
 - (c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Morris Horwitz, 175 Cedar Lane, Teaneck, New Jersey 07666.

- (d) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Ana M. Komotar, 175 Cedar Lane, Teaneck, New Jersey 07666.
- (e) \$90.00 (Ninety Dollars and Zero Cents), made payable to State Shorthand Reporting, P.O. Box 227, Allenhurst, New Jersey 07711.

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 NW024, 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.

STATEMENT

This resolution authorizes Corporation Counsel or his designee, Chasan Leyner & Lamparello, 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 Eighty Eight Thousand Five Hundred Twenty Two Dollars and Zero Cents (\$88,522.00), brought by Nathaniel Baines of Newark, New Jersey and represented by Livingston DiMarzio, L.L.P., who suffered injuries arising out of an accident that occurred on February 18, 2014, while he was employed by the City of Newark, Department of Water and Sewer Utilities.