



Legislation Details (With Text)

File #: 14-1430 **Version:** 1 **Name:** Workers' Compensation Settlement: Juan Palleija
Type: Resolution **Status:** Filed
File created: 9/9/2014 **In control:** Law
On agenda: 11/17/2014 **Final action:** 11/17/2014
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2010-15153
Claimant: Juan Palleija
Claimant's Attorney: Feeley & LaRocca, L.L.C.
Attorney's Address: 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079
Settlement Amount: \$53,262.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel, November 17, 2014
Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
11/17/2014	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Juan Palleija, instituted suit in the Division of Workers Compensation of New Jersey, Union County, bearing C.P. No.# 2010-15153 against the City of Newark seeking workers' compensation benefits, as a result of an accident that he sustained on August 19, 2008, while working as a Firefighter for the Newark Fire Department; and

WHEREAS, following settlement negotiations through the Petitioner's attorney, Feeley & LaRocca, L.L.C. the previous Corporation Counsel and/or her designee, Chasan Leyner & Lamparello, P.C. ("Outside Counsel") 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-Seven Thousand One Hundred Twelve Dollars Zero Cents (\$47,112.00). 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 Five Thousand Six Hundred Sixty Dollars Zero Cents (\$5,660.00), a medical evaluation fee of Four Hundred Dollars Zero Cents (\$400.00) and a transcription fee of Ninety Dollars Zero Cents (\$90.00) for a total settlement of Fifty-Three Thousand Two Hundred Sixty-Two Dollars Zero Cents (\$53,262.00); and

WHEREAS, this settlement is subject to approval by the Judge of the Division of Workers' Compensation; and

WHEREAS, the total value of this settlement 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 interest of the City of Newark, that minor changes to the amount of the settlement and distribution shall not require subsequent Municipal Council approval provided that the settlement amount is not increased or decreased above Five Hundred Dollars Zero Cents (\$500.00) and all the terms and conditions are substantially the same as authorized by this resolution; and

WHEREAS, the previous Corporation Counsel and/or Outside Counsel based upon all of the facts and circumstances surrounding this matter, deemed it in the best interest of the City of Newark to accept said settlement in the total amount of Fifty-Three Thousand Two Hundred Sixty-Two Dollars Zero Cents (\$53,262.00); and

WHEREAS, the previous Corporation Counsel did not have the opportunity to present this matter to the Municipal Council for approval prior to her departure from the City of Newark.

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. 2010-15153 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) \$42,952.00 (Forty-Two Thousand Nine Hundred Fifty-Two Dollars and Zero Cents) made payable and mailed to Juan Palleija, 1296 Shetland Drive, Union, New Jersey 07083. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$3,760.00 (Three Thousand Seven Hundred Sixty Dollars and Zero 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) \$9,420.00 (Nine Thousand Four Hundred Twenty Dollars and Zero Cents) made payable to Feeley & LaRocca, L.L.C., 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079.

(c) \$800.00 (Eight Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, Post Office Box 2947, Paterson, New Jersey 07509.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien, Inc., Post Office Box 428, Kenilworth, New Jersey 07033.

3. Attached hereto are the Certifications of Funds from the Acting Comptroller of the City of Newark, which states that there are sufficient legally appropriated funds available for the purpose set forth hereinabove and which state that the line appropriation of the official budget which shall be charged is Fund 024, Agency 24T, Orgn 5T24, Object 96310. A copy of the Acting 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. Minor changes to the amount of the settlement and distribution shall not require subsequent Municipal Council approval provided that the settlement amount is not increased or decreased above Five Hundred Dollars Zero Cents (\$500.00) and all the terms and conditions are substantially the same as authorized by this resolution.

5. 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 hereby authorizes the Corporation Counsel and/or her designee, Chasan Leyner & Lamparello, PC ("Outside Counsel"), 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 Fifty-Three Thousand Two Hundred Sixty-Two Dollars Zero Cents (\$53,262.00), brought by Juan Palleija of 1296 Shetland Drive, Union, New Jersey 07083, represented by Feeley & LaRocca, L.L.C., 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079, who suffered injuries arising out of an accident that occurred on August 19, 2008, while he was employed as a Firefighter for the Newark Fire Department.