



Legislation Details (With Text)

File #: 16-0398 **Version:** 1 **Name:** Workers' Compensation Settlement (James Gaines)
Type: Resolution **Status:** Filed
File created: 2/26/2016 **In control:** Law
On agenda: 5/4/2016 **Final action:** 5/4/2016

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2010-16468
Claimant: James Gaines
Claimant's Attorney: Steven F. Berardi, Esq.
Attorney's Address: 17 Academy Street, Suite 210, Newark, New Jersey 07102
Settlement Amount: \$42,966.00
Funding Source: Insurance Fund Trust
Additional Comments:
Invitation: Corporation Counsel, May 3, 2016.

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
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| 5/4/2016 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, the Petitioner, James Gaines, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2010-16468 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on May 25, 2010, while working for the Department of Neighborhood and Recreational Services, when he was jarred and jolted within a sanitation truck injuring his right shoulder; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Steven Berardi, Corporation Counsel and/or 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 \$38,014.00 (Thirty Eight Thousand Fourteen 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 \$4,562.00 (Four Thousand Five Hundred Sixty Two Dollars and Zero Cents), a medical evaluation fee of \$300.00 (Three Hundred Dollars and Zero Cents) and a transcription fee of \$90.00 (Ninety Dollars and Zero Cents); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to \$42,966.00 (Forty Two Thousand Nine Hundred Dollars and Zero Cents); 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 \$42,966.00 (Forty Two Thousand Nine Hundred Dollars and Zero Cents).

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. 2010-16468 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) \$34,674.00 (Thirty Four Thousand Six Hundred Seventy Four Dollars and Zero Cents) made payable and mailed to James Gaines, 330 Schley Street, Newark, New Jersey 07112. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$3,040.00 (Three Thousand Forty Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$300.00 (Three Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)

(b) \$7,602.00 (Seven Thousand Six Hundred Two Dollars and Zero Cents) made payable to Steven F. Berardi, Esq. 17 Academy Street, Suite 210 Newark, New Jersey 07102.

(c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. I. Ahmad, 45 Academy Street Suite 203 Newark, New Jersey 07102.

(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 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.

STATEMENT

This resolution authorizes Corporation Counsel or his designee, Chasan Leyner & Lamparello, P.C., 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 \$38,014.00, brought by James Gaines who suffered injuries arising out of an accident that occurred on May 25, 2010 while he was employed by the Department of Neighborhood and Recreational Services.