



## Legislation Details (With Text)

**File #:** 16-1060      **Version:** 1      **Name:** Workers' Compensation (Marilyn George-Martin)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 6/17/2016      **In control:** Law  
**On agenda:** 8/3/2016      **Final action:** 8/3/2016  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2004-13955  
Claimant: Marilyn George-Martin  
Claimant's Attorney: Livingston, DiMarzio, Baptista, LLP  
Attorney's Address: 661 Franklin Avenue, Nutley, New Jersey 07110  
Settlement Amount: \$131,517.66  
Funding Source: Insurance Fund Trust  
Additional Comments:  
Invitation: Corporation Counsel, August 2, 2016

**Sponsors:**

**Indexes:**

**Code sections:**

| Date     | Ver. | Action By         | Action | Result |
|----------|------|-------------------|--------|--------|
| 8/3/2016 | 1    | Municipal Council | Adopt  | Pass   |

**Dept/ Agency:** Law

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**Claimant:** Marilyn George-Martin

**Claimant's Attorney:** Livingston, DiMarzio, Baptista, LLP

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**Invitation:** Corporation Counsel, August 2, 2016

**WHEREAS**, the Petitioner, Marilyn George-Martin, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2004-13955 against the City of Newark seeking workers' compensation benefits as a result of an accident that she sustained on August 14, 2003, injuring her right knee, while employed as a Code Enforcement Officer for the City of Newark;

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Livingston, DiMarzio, Baptista, Corporation Counsel and/or Chasen Leyner & Lamparello, 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 \$112,117.66 (One Hundred Twelve Thousand One Hundred Seventeen Dollars Sixty-Six 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 \$17,900.00 (Seventeen Thousand Nine Hundred Dollars and Zero Cents), a medical evaluation fee of \$1,000.00 (One Thousand Dollars and Zero Cents) and a transcription fee of \$500.00 (Five Hundred Dollars and Zero Cents); and

**WHEREAS**, the total value of this settlement with the above referred to fees amounts to \$131,517.66 (One Hundred Thirty One Thousand Five Hundred Seventeen Dollars Sixty Six 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 \$131,517.66 (One Hundred Thirty-One Thousand Five Hundred Seventeen Dollars Sixty-Six 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. 2004-13955 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) \$100,017.66 (One Hundred Thousand Seventeen Dollars Sixty Cents ) made payable and mailed to Marilyn George Martin, 424 South 14<sup>th</sup> 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, \$11,100.00 (Eleven Thousand One Hundred Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$1,000.00 (One Thousand Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
  - (b) \$29,000.00 (Twenty-Nine Thousand Dollars and Zero Cents) made payable to Livingston, DiMarzio, Baptista LLP, 661 Franklin Avenue Nutley, New Jersey 07110.
  - (c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. David Weiss, 201 Woolston Drive, Morrisville, Pennsylvania 19067.
  - (d) \$800.00 (Eight Hundred Dollars and Zero Cents) made payable to Dr. Angela Adams, 117 Kinderkamack Road, Ste. 102, River Edge, New Jersey 07661.
  - (e) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Arthur Tiger, 8 Glenbrook Drive, Mendham, New Jersey 07845.

(f) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Leon Waller, 201 Woolston Drive, Morrisville, Pennsylvania 19067.

(g) \$500.00 (Five Hundred Dollars and Zero Cents), made payable to State Shorthand, 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 Business Unit 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 and/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 \$131,517.66 (One Hundred Thirty One Thousand Five Hundred Seventeen Dollars Sixty-Six Cents) brought by Marilyn George-Martin who suffered injuries arising out of an accident that occurred on August 14, 2003 while she was employed as a Code Enforcement Officer for the City of Newark.