



Legislation Details (With Text)

File #: 19-1038 **Version:** 1 **Name:** Workers' Compensation Settlement - Tyrone Moore
Type: Resolution **Status:** Adopted
File created: 6/20/2019 **In control:** Law
On agenda: 7/23/2019 **Final action:** 7/23/2019

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2013-11185
Claimant: Tyrone Moore
Claimant's Attorney: Livingston, DiMarzio & Baptista, LLC.
Attorney's Address: 661 Franklin Avenue, Nutley, New Jersey 07110
Settlement Amount: \$116,511.60
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel

Sponsors: Council of the Whole

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Code sections:

Date	Ver.	Action By	Action	Result
7/23/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Tyrone Moore, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2013-11185 against the City of Newark seeking workers' compensation benefits as a result of an injury to the left shoulder and left arm while struggling with a suspect, while in the course of duty, on March 4, 2012, while employed by the City of Newark as a police officer, Department of Public Safety; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Livingston, DiMarzio & Baptista, LLC, 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 Three Thousand Six Hundred Eighty Dollars and Zero Cents (\$103,680.00). 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 attorneys fee of Twelve Thousand Four Hundred Forty-One Dollars and Sixty -Cents (\$12,441.60), a medical evaluation fee of Three Hundred Dollars (\$300.00), and a transcription fee of Ninety Dollars (\$90.00) for a total settlement of One Hundred Sixteen Thousand Five Hundred Eleven Dollars and Sixty Cents (\$116,511.60); 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 Sixteen Thousand Five Hundred Eleven Dollars and Sixty Cents (\$116,511.60);

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. 2013-11185 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) \$95,085.60 (Ninety-Five Thousand Eighty-Five Dollars and Sixty Cents) made payable and mailed to Tyrone Moore, 1410 Burnet Ave, 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, \$8,294.40 (Eight Thousand Two Hundred Ninety-Four Dollars and Forty 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 evaluation in accordance with the settlement provisions.) \$103,680.00 will be certified by the Finance Department.
 - (b) \$12,441.60 (Twelve Thousand Four Hundred Forty-One Dollars and Sixty Cents) made payable to Livingston, DiMarzio & Baptista, LLP, 661 Franklin Avenue, Nutley, New Jersey 07110.
 - (c) \$300.00 (Three Hundred Dollars and Zero Cents) made payable to Arthur Becan, 1460 Livingston Avenue, Building 400, North Brunswick, New Jersey, 08902.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to Jersey Shore Reporting Inc., P.O. Box R, Manasquan, New Jersey 08736.

3. Attached hereto is the Certification of the Comptroller of the City of Newark which states 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 certification shall be filed by the Corporation Counsel in the Office of the City Clerk along with a copy of this Resolution.

4. 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 authorizes the Corporation Counsel 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 \$116,511.60 brought by Tyrone Moore, who suffered injuries to his left shoulder and left arm on March 4, 2012, while employed by the City of Newark as a police officer, Department of Public Safety.