



Legislation Details (With Text)

File #: 23-0231 **Version:** 1 **Name:** ALMA MOYA
Type: Resolution **Status:** Adopted
File created: 2/2/2023 **In control:** Law
On agenda: 3/1/2023 **Final action:** 3/1/2023

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2021-3708
Claimant: Alma Moya
Claimant's Attorney: Tina Naraine. Esq., of Ricci and Fava, LLC, 16 Furler Street, 2nd Floor, Totowa, New Jersey, 07512
Settlement Amount: \$127,259.50
Funding Source: 2022 Budget/Law Department/Business Unit NW024, Dept. 24T, Div/Proj. 5T24, Account #96310, Budget Ref B2022
Additional Comments:

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|----------|------|-------------------|--------|--------|
| 3/1/2023 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, the Petitioners, heirs to the Decedent, Hector Moya, instituted suit in the Division of Workers Compensation of New Jersey, Union County, bearing C.P. Number 2021-3708 against the City of Newark seeking workers' compensation benefits as a result of sustaining injuries related to Covid-19 causing his death while employed by the City of Newark, Department of Public Safety; and

WHEREAS, the following settlement negotiations through Petitioner's attorney, Tina Naraine. Esq., of Ricci, & Fava, 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. 34:15-22) by payment in the amount of One Hundred Twenty-Seven Thousand One Hundred Eighty-Five Dollars and Fifty Cents (\$127,185.50)

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 pay an attorney's fee of (\$127,185.50) One Hundred Twenty-Seven Thousand One Hundred Eighty-Five Dollars and Fifty Cents made payable to Tina Naraine. Esq., of Ricci, & Fava, LLC, located at 16 Furler Street, 2nd Floor, Totowa, New Jersey, 07512, and a transcription fee of Seventy-Four Dollars and Zero Cents (\$74.00) made payable to Guy Renzi & Associates, Inc., located at 2277 State Highway #33 Suite 410 Trenton, New Jersey 08690 for a total settlement of One Hundred Twenty-Seven Thousand Two Hundred Fifty-Nine Dollars and Fifty Cents (\$127,259.50); 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 Twenty-Seven Thousand Two Hundred Fifty-Nine Dollars and Fifty Cents (\$127,259.50); and

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.: 2021-3708 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) \$127,185.50 (One Hundred Twenty-Seven Thousand One Hundred Eighty-Five Dollars and Fifty Cents) made payable and mailed to Tina Naraine. Esq., of Ricci, & Fava, LLC, 16 Furler Street, 2nd Floor, Totowa, New Jersey, 07512.
 - (b) \$74.00 (Seventy-Four Dollars and Zero Cents) made payable to Guy Renzi & Associates Inc., located at 2277 State Highway #33, Suite 410, Trenton, New Jersey 08690

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.

3. 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 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 (\$127,259.50) brought by Heirs of the Decedent, Hector Moya whose address is Union, New

Jersey; and represented by Tina Naraine. Esq., of Ricci, & Fava, LLC, located in Totowa, New Jersey, who sustained injury while employed by the City of Newark's Department of Public Safety.