



Legislation Details (With Text)

File #: 16-1059 **Version:** 1 **Name:** Workers' Compensation (Satia Baijnath)
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
C.P. No.: 2007-31717
Claimant: Satia Baijnath
Claimant's Attorney: Mescall & Acosta
Attorney's Address: 80 Main Street, Suite 550, West Orange, New Jersey 07052
Settlement Amount: \$99,173.75
Funding Source: Insurance Trust Fund
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

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WHEREAS, the Petitioner, Satia Baijnath, instituted suit in the Division of Workers' Compensation of New Jersey, Essex County, bearing C.P. Number 2007-31717 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on July 3, 2007 while working for the City of Newark; and

WHEREAS, following settlement negotiations through Petitioner's attorney, James C. Mescall, Esq., Corporation Counsel and/or his designee, Martin M. Glazer, Esq. ("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 Eighty-Five Thousand Two Hundred Seventy-Five Dollars and Zero Cents (\$85,275.00). 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

fee of Ten Thousand Two Hundred Thirty-Five Dollars and Zero Cents (\$10,235.00), a medical evaluation fee of Two Thousand Four Hundred Dollars and Zero Cents (\$2,400.00), a transcription fee of Nine Hundred Ninety Dollars and Zero Cents (\$990.00), and an additional Two Hundred Seventy-Three Dollars and Seventy-Five Cents (\$273.75) to Petitioner's attorney for Trial preparation expenses for a total settlement of Ninety-Nine Thousand One Hundred Seventy Three Dollars and Seventy-Five Cents (\$99,173.75); 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 the 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 Ninety-Nine Thousand One Hundred Seventy Three Dollars and Seventy Five Cents (\$99,173.75).

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. Number 2007-31717 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) \$78,455.00 (Seventy-Eight Thousand Four Hundred Fifty-Five Dollars and Zero Cents) made payable and mailed to Satia Baijnath, 407 Roseville Avenue, Newark, New Jersey 07107. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$6,820.00 (Six Thousand Eight Hundred Twenty Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney fees in accordance with the settlement provisions.
 - (b) \$17,328.75 (Seventeen Thousand Three Hundred Twenty Eight Dollars and Seventy Five Cents) made payable to Mescall & Acosta, 80 Main Street, Suite 550, West Orange, New Jersey 07052.
 - (c) \$2,400.00 (Two Thousand Four Hundred Dollars and Zero Cents) made payable to Sall/Myers medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.

(d) \$990.00 (Nine Hundred Ninety Dollars and Zero Cents) made payable to John F. Trainor, Inc., 4573 S Broad Street, Suite 110, Hamilton, New Jersey 08620.

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 or his designee, Martin M. Glazer, Esq., 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 Ninety-Nine Thousand One Hundred Seventy-Three Dollars and Seventy-Five Cents (\$99,173.75) brought by Satia Baijnath, 407 Roseville Avenue, Newark, New Jersey 07107 and represented by John C. Mescall, Esq. who suffered injuries arising out of an accident that occurred on July 3, 2007 while he was employed by the City of Newark.