



Legislation Text

File #: 22-1443, Version: 1

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Purpose: Settlement of Workers' Compensation

C.P. No.: 2017-17373

Claimant: Isaac Nazario

Claimant's Attorney: Patricia Eiges, Esq., Forman and Cardonsky

Settlement Amount: \$59,425.20

Funding Source: Insurance Trust Fund: 024 Agen: 24T Organ: 5T24 OBJ: 96310

Additional Comments:

WHEREAS, the Petitioner, Isaac Nazario, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. No. 2017-17373, against the City of Newark (the "City") seeking workers' compensation benefits, as a result of an injury of his cervical spine and right shoulder after lifting a heavy garbage can for disposal on March 4, 2017 while employed by the City of Newark, Department Public Works, Division of Sanitation; and

WHEREAS, the following settlement negotiations through Petitioner's attorney, Patricia Eiges, Esq., of Forman and Cardonsky, 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 Fifty-Two Thousand Seven Hundred Ten Dollars and Zero Cents (\$52,710.00). Pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers' Compensation, the City will also pay an attorney's fee of Six Thousand Three Hundred Twenty-Five Dollars and Twenty Cents (\$6,325.20) made payable to: Forman and Cardonsky, located at 701 Westfield Avenue, Elizabeth, New Jersey 07208, a medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00), payable to: Dr. Arthur Becan, M.D., located at 1460 Livingston Avenue, Building 400, North Brunswick, New Jersey 08902, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), made payable to: Guy Renzi and Associates, Inc., located at 2277 State Highway #33, Suite 410, Trenton, New Jersey 08690 for a total settlement of Fifty-Nine Thousand Four Hundred Twenty-Five Dollars and Twenty Cents (\$59,425.20); 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, 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 Five Hundred

Dollars and Zero Cents (\$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 to accept said settlement in the total amount of Fifty-Nine Thousand, Four Hundred Twenty-Five Dollars and Twenty Cents (\$59,425.20).

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. 2017-17373 is hereby approved.

2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Director of the Department of Finance is hereby authorized and directed to issue checks in the amounts as follows:

(a) \$48,193.20 (Forty-Eight Thousand One Hundred Ninety-Three Dollars and Twenty Cents) made payable and mailed to: Isaac Nazario, of Newark, New Jersey 07104 (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$4,216.80 (Four Thousand Two Hundred Sixteen Dollars and Eighty Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$600.00 (Six Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluation in accordance with the settlement provisions; and

(b) \$10,542.00 (Ten Thousand Five Hundred Forty-Two Dollars and Zero Cents) made payable to: Forman and Cardonsky, 701 Westfield Avenue, Elizabeth, New Jersey 07208; and

(c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to: Dr. Arthur Becan, M.D., 1460 Livingston Avenue, Building 400, North Brunswick, New Jersey 08902; and

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to: Guy Renzi and Associates, Inc., 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.

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 Corporation Counsel and/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 \$59,425.20 brought by Isaac Nazario, of Newark, New Jersey 07104; and represented by Forman and Cardonsky, located at 701 Westfield

Avenue, Elizabeth, New Jersey 07208, who suffered injuries to his cervical spine and right shoulder on March 4, 2017 while employed by the City's Department Public Works, Division of Sanitation, as a laborer.