



Legislation Text

File #: 16-0068, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2000-32856

Claimant: Burney Lee Adams

Claimant's Attorney: Frank R. DiMarzio, Esquire

Attorney's Address: 3535 Route 66, Building #6, Neptune, New Jersey 07753

Settlement Amount: \$28,915.00

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, March 1, 2016

WHEREAS, the Petitioner, Burney Lee Adams, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2000-32856 against the City of Newark seeking workers' compensation benefits as a result of an accident that she sustained on August 10, 1999, while employed by the City of Newark; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Frank R. DiMarzio, Esq. 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 Twenty Five Thousand Three Hundred and Eighty Dollars and Zero Cents (\$25,380.00). 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 Three Thousand Seven Hundred and Forty Five Dollars and Zero Cents (\$3,045.00), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) for Dr. Arthur Tiger and a medical evaluation fee of Two Hundred Dollars and Zero (\$200.00) for Dr. Angela Adams and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty Eight Thousand Nine Hundred and Fifteen Dollars and Zero Cents (\$28,915.00); 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 Twenty Eight Thousand Nine Hundred and Fifteen Dollars and Zero Cents (\$28,915.00).

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. 2000-32856 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) \$25,380.00 (Twenty Five Thousand Three Hundred and Eighty Dollars and Zero Cents) made payable and mailed to Burney Lee Adams, 153 Lehigh Avenue, 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, \$2,030.00 (Two Thousand and Thirty Dollars and No Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$400.00 (Four Hundred Dollars and No Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)

(b) \$3,045.00 (Three Thousand Forty Five Dollars and Zero Cents) made payable to Frank DiMarzio, Esq. 3535 Route 66 Building #6 Neptune, New Jersey 07753.

(c) \$200.00 (Two Hundred Dollars and No Cents) made payable to Arthur Tiger M.D. 600 Mount Pleasant Avenue Dover, New Jersey 07801.

(d) \$200.00 (Two Hundred Dollars and No Cents) made payable to Angela Adams 117 Kinderkamack Road, Suite 102 River Edge, New Jersey 070661.

(e) \$90.00 (Ninety Dollars and No Cents), made payable to William C. O'Brien, Inc., Post Office Box 428, Kenilworth, New Jersey 07033.

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.

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 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 \$28,915.00 brought by Burney Lee Adams of 153 Lehigh Avenue Newark, New Jersey and represented by Frank DiMarzio, Esquire who suffered injuries arising out of an accident that occurred on August 10, 1999, while she was employed by the City of Newark.