



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 14-1420, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2012-8551

Claimant: Manuel Pimentel

Claimant's Attorney: Livingston, DiMarzio & Baptista, LLP

Attorney's Address: 661 Franklin Avenue, Nutley, New Jersey 07110

Settlement Amount: \$26,735.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel, October 15, 2014

WHEREAS, the Petitioner, Manuel Pimentel, instituted suit in the Division of Workers Compensation of New Jersey, Hunterdon County, bearing C.P. Number 2012-8551 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on January 17, 2011, while working as a Police Officer for the Newark Police Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Livingston, DiMarzio & Baptista, LLP, the prior Corporation Counsel and/or her designee, Chasan Leyner & Lamparello, P.C. ("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 Twenty-Three Thousand Four Hundred Thirty-Three Dollars (\$23,433.00). 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 Two Thousand Eight Hundred Twelve Dollars (\$2,812.00), a medical evaluation fee of Four Hundred Dollars (\$400.00) and a transcription fee of Ninety Dollars (\$90.00) for a total settlement of Twenty-Six Thousand Seven Hundred Thirty-Five Dollars (\$26,735.00); 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, the prior Corporation Counsel and/or Outside Counsel based upon all of the facts and circumstances surrounding this matter, deemed it is in the best interest of the City of Newark to accept said settlement in the total amount of Twenty-Six Thousand Seven Hundred Thirty-Five Dollars (\$26,735.00); and

WHEREAS, the prior Corporation Counsel did not have the opportunity to present this matter to the Municipal Council for approval prior to her departure from the City.

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. 2012-8551 is hereby approved.
2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Acting Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:
 - (a) \$21,159.00 (Twenty-One Thousand One Hundred Fifty-Nine Dollars and Zero Cents) made payable and mailed to Manuel Pimentel, 63 Mountain Avenue, Warren, New Jersey 07059. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$1,874.00 (One Thousand Eight Hundred Seventy-Four Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$400.00 (Four Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$4,686.00 (Four Thousand Six Hundred Eighty-Six Dollars and Zero Cents) made payable to Livingston, DiMarzio & Baptista, LLP, 661 Franklin Avenue, Nutley, New Jersey 07110.
 - (c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Arthur Tiger, M.D., 600 Mt. Pleasant Avenue, Suite E, Dover, New Jersey 07801.
 - (d) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Angela Adams, M.D., 117 Kinderkamack Road, Suite 102, River Edge, New Jersey 07661.
 - (e) \$90.00 (Ninety Dollars and Zero 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 Fund 024, Agency 24T, Orgn 5T24, Object 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 the Corporation Counsel or her designee, Chasan Leyner & Lamparello, P.C., 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 Twenty-Six Thousand Seven Hundred Thirty-Five Dollars (\$26,735.00) brought by Manuel Pimentel, 63 Mountain Avenue, Warren, New Jersey 07059 and represented by Livingston, DiMarzio & Baptista, LLP, who suffered injuries arising out of an accident that occurred on January 17, 2011 while employed as a Police Officer by the Newark Police Department.