



## Legislation Text

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File #: 16-0193, Version: 1

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**Dept/ Agency:** Law

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

**Purpose:** Settlement of Workers' Compensation Claim

**C.P. No.:** 2011-10393

**Claimant:** Sidney Sharpe

**Claimant's Attorney:** Colligan & Colligan

**Attorney's Address:** 17 Academy Street, Suite 510, Newark, New Jersey 07102

**Settlement Amount:** \$138,797.50

**Funding Source:** Insurance Fund Trust

**Additional Comments:**

**Invitation:** Corporation Counsel, April 5, 2016

**WHEREAS**, the Petitioner, Sidney Sharpe, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2011-10393 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on February 28, 2011, while working for the Newark Sanitation Department; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Colligan & Colligan, Corporation Counsel and/or his 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 One Hundred Twenty-Three Thousand Five Hundred Dollars and Zero Cents (\$123,500.00). 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 Fourteen Thousand Eight Hundred Twenty Dollars and Zero Cents (\$14,820.00), a medical evaluation fee of Three Hundred Eighty Seven Dollars and Fifty Cents (\$387.50) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of One Hundred Thirty Eight Thousand Seven Hundred Ninety Seven Dollars and Fifty Cents (\$138,797.50); 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 Thirty Eight Thousand Seven Hundred Ninety Seven Dollars and Fifty Cents(\$138,797.50).

**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. 2011-10393 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) \$113,117.50 (One Hundred Thirteen Thousand One Hundred Seventeen Dollars and Fifty Cents) made payable and mailed to Sidney Sharpe, 141 Union Avenue, Apt. G2, Irvington, New Jersey 07111. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$9,995.00 (Nine Thousand Nine Hundred Ninety Five Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$387.50 (Three Hundred Eighty Seven Dollars and Fifty Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
  - (b) \$25,390.00 (Twenty Five Thousand Three Hundred Ninety Dollars and Zero Cents) made payable to Colligan & Colligan, 17 Academy Street, Suite 510, Newark, New Jersey 07102.
  - (c) \$200.00 (Two Hundred Dollars and Zero Cents) made payable to Dr. Warren Klein, 230 West Jersey Street, Elizabeth, New Jersey 07202.
  - (d) \$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.

### **STATEMENT**

This resolution authorizes Corporation Counsel or his designee, Chasan Leyner & Lamparello,

PC, 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 One Hundred Thirty-Eight Thousand Seven Hundred Ninety-Seven Dollars and Fifty Cents (\$138,797.50) brought by Sidney Sharpe, 141 Union Avenue, Apt. G2, Irvington, New Jersey 07111 and represented by Colligan & Colligan, who suffered injuries arising out of an accident that occurred on February 28, 2011, while he was employed by the Newark Sanitation Department.