



Legislation Text

File #: 24-0417, Version: 1

Dept/ Agency: Law

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

Purpose: Amended Settlement of Workers' Compensation

C.P. No.: 2018-34619

Claimant: Miguel Fresse

Claimant's Attorney: Gill and Chamas, LLC, 655 Florida Grove Road, P.O. Box 760, Woodbridge, New Jersey 07095

Settlement Amount: \$49,401.89

Funding Source: 2024 Budget/Law Department/Bus. Unit: NW024, Department: 24T, Div./Proj.: 5T24, Account #96310, Budget Ref. B2024

Additional Information:

Resolution 7R6-e adopted on April 5, 2023, originally awarded a settlement amount of \$121,011.00, however due to external issues and other settlements, the Proposed Order is significantly lessened to \$49,401.89.

WHEREAS, Municipal Council adopted Resolution 7R6-e on April 5, 2023 authorizing a worker compensation settlement for Petitioner, Miguel Fresse, from a suit intuited in the Division of Workers Compensation of New Jersey, Morris County, bearing C.P. Number 2018-34619 against the City of Newark seeking workers' compensation benefits, as a result of an accident that he sustained on November 28, 2018 while working for the City of Newark Fire Department for suit in the amount of \$121, 011.00 (One Hundred Twenty- One Thousand Eleven Dollars and Zero Cents); and

WHEREAS, before the settlement could be finalized, petitioner had some pension issues and a third-party case settled, as a result, the amount owed on the proposed Order by the City is significantly less in the total amount (\$49,401.89); and

WHEREAS, the following settlement negotiations through Petitioner's attorney, Michael Rose, Esq., Gill & Chamas, LLC, and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C., ("Outside Counsel") has 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 \$35,903.89 (Thirty Five Thousand Nine Hundred and Three Dollars and Eighty Nine Cents). 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's fee of \$12,924.00 (Twelve Thousand Nine Hundred Twenty-Four Dollars and Zero Cents), medical evaluation fee of \$500.00 (Five Hundred Dollars and Zero Cents) and a transcription fee of \$74.00 (Seventy-Four Dollars and Zero Cents); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to \$49,401.89 (Forty Nine Thousand Four Hundred One Dollars and Eighty Nine Cents); 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 49,401.89 (Forty-Nine Thousand Four Hundred One Dollars and Eighty Nine Cents).

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. 2018-34619 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) \$32,531.89 (Thirty-Two Thousand Five Hundred Thirty One Dollars and Eighty Nine Cents) made payable and mailed to Miguel Fresse, 114 High Street, Randolph, New Jersey 07869. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$2,872.00 (Two Thousand Eight Hundred Seventy-Two Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees and \$500.00 (Five Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.
 - (b) \$15,796.00 (Fifteen Thousand Seven Hundred Ninety-Six Dollars and Zero Cents) made payable to Gill & Chamas, LLC, 655 Florida Grove Rd, P.O. Box 760, Woodbridge, New Jersey 07869.
 - (c) \$1,000.00 (One Thousand Dollars and Zero Cents) made payable to Dr. Michael M. Cohen, 201 Woolston Drive, Morrisville, Pennsylvania 19067.
 - (d) \$74.00 (Seventy-Four Dollars and Zero Cents), made payable to Renzi Legal Resources, 2277 State Highway #33, Suite 410, Trenton, New Jersey 08690.
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 024, Department. 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 the Corporation Counsel or his designee, Chasan Lamparello Mallon & Cappuzzo 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 \$49,401.89 (Forty-Nine Thousand Four Hundred One Dollars and Eighty Nine Cents) brought by Miguel Fresse, for injuries he sustained while employed by the City of Newark Department of Public Safety/Division of the Fire Department.