



Legislation Text

File #: 13-2028, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: C.P. 2011-13986

Claimant: Ronald Kinder

Claimant's Attorney: Feeley & LaRocca

Attorney's Address: 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079

Settlement Amount: \$107,370.31

Funding Source: Insurance Fund Commission

Additional Comments:

Invitation: Corporation Counsel, November 18, 2013

WHEREAS, the Petitioner, Ronald Kinder, instituted suit in the Division of Workers Compensation of New Jersey, Morris County, bearing C.P. Number 2011-13986 against the City of Newark seeking Workers' Compensation Benefits, as a result of a motor vehicle accident that he sustained on November 25, 2009, while employed as a Police Officer and working for the Newark Police Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Feeley & LaRocca, Corporation Counsel and/or its designee, Chasan, Leyner & Lamparello, 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 Ninety-Two Thousand Six Hundred Eighty-Two Dollars and Thirty-One Cents (\$92,682.31). 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 Fourteen Thousand One Hundred Ninety-Eight Dollars (\$14,198.00), a medical evaluation fee of Four Hundred Dollars (\$400.00) and a transcription fee of Ninety Dollars (\$90.00); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to One Hundred Seven Thousand Three Hundred Seventy Dollars and Thirty-One Cents (\$107,370.31); and

WHEREAS, based upon all of the facts and circumstances surrounding this matter, the Corporation Counsel and/or its designee, Chasan, Leyner & Lamparello, P.C., deem it is in the best interest of the City of Newark to accept said settlement in the total amount of One Hundred Seven Thousand Three Hundred Seventy Dollars and Thirty- One Cents (\$107,370.31).

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. 2011-13986 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) \$84,868.31 (Eighty-Four Thousand Eight Hundred Sixty-Eight Dollars and Thirty-One Cents) made payable and mailed to: Ronald Kinder, 59 Tallmadge Avenue, Chatham, New Jersey 07928. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$7,414.00 (Seven Thousand Four Hundred Fourteen Dollars) is being subtracted from the Petitioner's award to pay attorney's fees and \$400.00 (Four Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions).
- (b) \$21,612.00 (Twenty-One Thousand Six Hundred Twelve Dollars) made payable to Feeley & LaRocca, 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079.
- (c) \$400.00 (Four Hundred Dollars) made payable to Dr. Nicholas Diamond, 1460 Livingston Avenue, North Brunswick, New Jersey 08902.
- (d) \$400.00 (Four Hundred Dollars) made payable to Sall/Myers Medical Associates, Post Office Box 2947, Paterson, New Jersey 07509.
- (e) \$90.00 (Ninety Dollars), 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 the line appropriation of the Official Budget that shall be charged is Business Unit NW024, Dept. ID 24T, Div./Proj. 5T24, Account# 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 hereby authorizes the Corporation Counsel, and/or its designee, Chasan Leyner & Lamparello, P.C., on behalf of the City of Newark, to effectuate a Settlement by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of One Hundred Seven Thousand Three Hundred Seventy Dollars and Thirty- One Cents (\$107,370.31) brought by Ronald Kinder, 59 Tallmadge Avenue, Chatham, New Jersey 07928 and represented by Feeley & LaRocca, 76 South Orange Avenue, Suite 211, South

Orange, New Jersey 07079, who suffered injuries arising out of a motor vehicle accident that occurred on November 25, 2009 while working as a Police Officer for the Newark Police Department.