



Legislation Text

File #: 16-0636, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2008-33622

Claimant: Nicholas Russo

Claimant's Attorney: Ginarte, O'Dwyer, Gonzalez & Winograd

Attorney's Address: 400 Market Street, Newark, New Jersey 07105

Settlement Amount: \$43,575.00

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel , May 3, 2016.

WHEREAS, the Petitioner, Nicholas Russo, instituted suit in the Division of Workers' Compensation of New Jersey, Ocean County, bearing C.P. Number 2008-33622 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on September 12, 2008, while working for the City of Newark; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Ginarte O'Dwyer Gonzalez & Winograd, Corporation Counsel and/or his designee, Martin M. Glazer, Esq. ("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 Ninety-Five Thousand Forty Dollars and Zero Cents (\$95,040.00) with third party credits of Sixty-Three Thousand Three Hundred Sixty Dollars (\$63,360.00) totaling to Thirty-One Thousand Six Hundred Eighty Dollars and Zero Cents (\$31,680.00). 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 Eleven Thousand Four Hundred Five Dollars and Zero Cents (\$11,405.00), a medical evaluation fee of Four Hundred Dollars and Zero Cents (\$400.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Forty-Three Thousand Five Hundred Seventy-Five Dollars and Zero Cents (\$43,575.00); 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 the 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 Forty-Three Thousand Five Hundred Seventy-Five Dollars and Zero Cents (\$43,575.00)

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. Number 2008-33622 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) \$31,680.00 (Thirty-One Thousand Six Hundred Eighty Dollars and Zero Cents) made payable and mailed to Nicholas Russo, 5 Harvest Way, Little Egg Harbor, New Jersey 08087. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,534.00 (Two Thousand Five Hundred Thirty-Four Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney 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) \$11,405.00 (Eleven Thousand Four Hundred Five Dollars and Zero Cents) made payable to Ginarte O'Dwyer Gonzalez & Winograd, 400 Market Street, Newark, New Jersey 07105.

(c) \$200.00 (Two Hundred Dollars and Zero Cents) made payable to Dr. Morris Horwitz, 175 Cedar Lane Teaneck, New Jersey 07666

(d) \$200.00 (Two Hundred Dollars and Zero Cents) made payable to Dr. Ana Miguel Komotar, 10 Huron Ave Jersey City, New Jersey 07306

(e) \$90.00 (Ninety Dollars and Zero Cents) made payable to Jersey Shore Reporting, LLC, 517A Passaic Ave, Spring Lake, New Jersey 07762.

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, 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.

STATEMENT

This resolution authorizes Corporation Counsel or his designee, Martin M. Glazer, Esq., on behalf of the City of Newark, to effectuate, settlement by entering into an Order Approving Settlement of a Workers' Compensation claim brought by Nicholas Russo of 5 Harvest Way, Little Egg Harbor, New Jersey 08087 and represented by Ginarte O'Dwyer Gonzalez & Winograd, which, after third party credits are assessed, is a total settlement of Forty-Three Thousand Five Hundred Seventy-Five Dollars and Zero Cents (\$43,575.00). Mr. Russo suffered injuries arising out of an accident that occurred on September 12, 2008, while he was employed by the City of Newark.