



Legislation Text

File #: 20-0077, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2017-14120

Claimant: Reginald Johnson

Claimant's Attorney: Stathis & Leonardis

Attorney's Address: 32 South Main Street, Edison, New Jersey 08837

Settlement Amount: \$66,082.32

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, the Petitioner, Reginald Johnson, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2017-14120 against the City of Newark seeking workers' compensation benefits as a result of a January 6, 2016 injury to his right shoulder and back while riding in the firetruck, in the course of duty, while employed as a Fire Fighter for the Department of Public Safety, Fire Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Stathis & Leonardis, and the Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel") the Parties have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-20), by payment in the amount of Forty-Five Thousand Two Hundred Sixty-One Dollars and Zero Cents (\$45,261.00), as well as Section 20, Fifteen Thousand Dollars and Zero Cents (\$15,000.00), which totals Sixty Thousand Two Hundred Sixty-One Dollars and Zero Cents. (\$60,261.00); and

WHEREAS, 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 Five Thousand Four Hundred Thirty-One Dollars and Thirty-Two Cents (\$5,431.32), made payable to Stathis & Leonardis, 32 South Main Street, Edison, New Jersey 08837, a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00), payable to Dr. Iqbal Ahmed, M.D., 45 Academy Street, Suite 203, Newark, New Jersey 07102, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), made payable to J.H. Buehrer & Associates, Inc., 884 Breezy Oaks Drive, Toms River, New Jersey 08753, for a total settlement amount of Sixty-Six Thousand Eighty-Two Dollars and Thirty-Two Cents (\$66,082.32); 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 Corporation Counsel 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, the 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 Sixty-Six Thousand Eighty-Two Dollars and Thirty-Two Cents (\$66,082.32);

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. 2017-14120 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 release funds so that our Third Party Administrator for Workers' Compensation, Cannon Cochran Management Services, Inc. ("CCMSI") can issue checks in the amounts as follows:
 - (a) \$41,340.12 (Forty-One Thousand Three Hundred Forty Dollars and Twelve Cents) made payable and mailed to Reginald Johnson, 35 Wedgewood Drove, Apt 19A, Carteret, New Jersey 07008. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$3,620.88 (Three Thousand Six Hundred Twenty Dollars and Eighty-Eight Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$300.00 (Three Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluation in accordance with the settlement provisions.);
 - (b) \$12,000.00 (Twelve Thousand Dollars and Zero Cents) made payable and mailed to Reginald Johnson, 35 Wedgewood Drove, Apt 19A, Carteret, New Jersey 07008 (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation \$3,000.00 (Three Thousand Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees); and
 - (c) \$12,052.20 (Twelve Thousand Fifty-Two Dollars and Twenty Cents) made payable to Stathis & Leonardis, 32 South Main Street, Edison, New Jersey 08837; and
 - (d) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Iqbal Ahmed, 45 Academy Street, Suite 203, Newark, New Jersey 07102; and
 - (e) \$90.00 (Ninety Dollars and Zero Cents), made payable to J.H. Buehrer & Associates, 884 Breezy Oaks Drive, Toms River, New Jersey 08753.

3. Attached is the Certification of the Comptroller of the City of Newark which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove, and which states that the line appropriation of the official budget which shall be charged is Business Unit NW024, Dept. ID 24T, Div./Proj. 5T24, Account Code #96310. The Corporation Counsel shall file a copy of the Comptroller's certification in the Office of the City Clerk along with a copy of this Resolution.

4. The Corporation Counsel shall file a fully executed copy of the Order Approving Settlement with the Office of the City Clerk.

STATEMENT

This Resolution authorizes the Corporation Counsel or his designee, The Woolridge Law Firm LLC, 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 \$66,082.32; brought by Reginald Johnson, who suffered injuries to his right shoulder and back on January 6, 2016, while employed as a Fire Fighter for the Department of Public Safety, Fire Division.