



Legislation Text

File #: 20-0283, Version: 1

Dept/ Agency: Law

Action: () Ratifying () Authorizing () Amending

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2013-17965

Claimant: Salvador Bidot

Claimant's Attorney: Feeley & LaRocca

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

Settlement Amount: \$50,090.00

Funding Source: Insurance Trust Fund

Additional Comments:

WHEREAS, the Petitioner, Salvador Bidot, instituted suit in the Division of Workers Compensation of New Jersey, Morris County, bearing C.P. #2013-17965 against the City of Newark seeking workers' compensation benefits, as a result of occupational exposure while working for the City of Newark, Department of Public Safety, Fire Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Feeley & LaRocca, Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C., ("Outside Counsel"), the parties have agreed to amicably resolve and settle this matter under Section 20 of the Workers Compensation Act (N.J.S.A. 34:15-22) by payment in the amount of \$50,000.00 (Fifty Thousand Dollars and Zero 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 a transcription fee of \$90.00 (Ninety Dollars and Zero Cents); and

WHEREAS, the total value of this settlement, with the above referred to fees, is \$50,090.00 (Fifty Thousand Ninety Dollars and Zero 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 (Five Hundred Dollars and Zero Cents) 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 \$50,090.00 (Fifty Thousand Ninety Dollars and Zero 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. #2013-17965 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) \$38,200.00 (Thirty Eight Thousand Two Hundred Dollars and Zero Cents) made payable and mailed to Salvador Bidot, 480 Cornflower Street, Calabash, North Carolina 28467. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$10,000.00 (Ten Thousand Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees and \$1,800.00 (One Thousand Eight Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.
 - (b) \$10,000.00 (Ten Thousand Dollars and Zero Cents) made payable to Feeley & LaRocca, 76 South Orange Avenue, Suite #211, South Orange, New Jersey 07079.
 - (c) \$1,800.00 (One Thousand Eight Hundred Dollars and Zero Cents) made payable to Dr. Leon H. Waller, 201 Woolston Drive, Morrisville, Pennsylvania 19067.
 - (d) \$90.00 (One Hundred Twenty Five Dollars and Zero Cents), made payable to William C. O' Brien & Associates 525 Boulevard, Box 428, Kenilworth, New Jersey 07033.
3. Attached hereto are the Certifications of the City Comptroller, 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 NW024, Dept. ID 24T, Div./Proj. 5T24, Account Code #96310. The Corporation Counsel shall file a copy of the Comptroller's Certifications 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 in the Office of the City Clerk.

STATEMENT

This resolution authorizes the Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, 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 \$50,090.00 (Fifty Thousand Ninety Dollars and Zero Cents) brought by Salvador Bidot, for injuries he sustained while employed by the Department of Public Safety, Fire Division.