



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 16-1550, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2008-9915

Claimant: Darlene Noble

Claimant's Attorney: Michael Press, Esq.

Attorney's Address: 80 Main Street, Suite 430, West Orange, New Jersey 07052

Settlement Amount: \$62,900.23

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, December 6, 2016

WHEREAS, the Petitioner, Darlene Noble, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2008-9915 against the City of Newark seeking workers' compensation benefits as a result of an accident that she sustained on March 4, 2008, while working for the City of Newark Office of Affirmative Action; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Michael Press, Esq., Corporation Counsel and/or his designee, Chasan Leyner & Lamparello, P.C. ("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 Fifty Three Thousand Two Hundred Ninety One Dollars and Twenty Three Cents (\$53,291.23). 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 Eight Thousand Seven Hundred Nineteen Dollars and Zero Cents (\$8,719.00), a medical evaluation fee of Eight Hundred Dollars and Zero Cents (\$800.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Sixty Two Thousand Nine Hundred Dollars and Twenty Three Cents \$62,900.23); 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 Sixty Two Thousand Nine Hundred Dollars and Twenty Three Cents (\$62,900.23).

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. 2008-9915 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) \$48,135.23 (Forty Eight Thousand One Hundred Thirty Five Dollars and Twenty Three Cents) made payable and mailed to Darlene Noble, 324 South 20th Street, Newark, New Jersey 07103. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$4,356.00 (Four Thousand Three Hundred Fifty Six Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$800.00 (Eight Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)

(b) \$13,075.00 (Thirteen Thousand Seventy Five Dollars and Zero Cents) made payable to Michael Press, Esq., 80 Main Street, Suite 430, West Orange, New Jersey 07052.

(c) \$1,600.00 (One Thousand Six Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to State Shorthand Reporting, P.O. Box 227, Allenhurst, New Jersey 07711.

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 NW024, 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, Chasan Leyner & Lamparello, P.C., 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 Sixty-Two Thousand Nine Hundred Dollars and Twenty-Three Cents (\$62,900.23) brought by Darlene Noble, 324

South 20th Street, Newark, New Jersey, who suffered injuries arising out of an accident that occurred on March 4, 2008 while she was working in the City's Office of Affirmative Action.