



Legislation Text

File #: 21-0985, Version: 1

Dept./ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2017-13121

Claimant: Salvatore Fischetta

Claimant's Attorney: Steven J. Kossup, Esq.

Attorney's Address: 18 Church Street, Suite 114, Newton, New Jersey 07860

Settlement Amount: \$181,526.00

Funding Source: Insurance Trust Fund

Additional Comments:

WHEREAS, the Petitioner, Salvatore Fischetta, instituted suit in the Division of Workers Compensation of New Jersey, Bergen County, bearing C.P. Number 2017-13121 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on March 23, 2017 while working for the Department of Public Safety, Fire Division, when he injured his lumbar spine, right shoulder, right knee and left foot at an active fire scene; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Steven J. Kossup, Esq., Corporation Counsel and/or his designee, the firm of Chasan Lamparello Mallon & Cappuzzo, 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 One Hundred Sixty One Thousand Four Hundred Seventy Five Dollars and Zero Cents (\$161,475.00). 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's fee of Nineteen Thousand Three Hundred Seventy-Seven Dollars and Zero Cents (\$19,377.00), medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00) and a transcription fee of Seventy-Four Dollars and Zero Cents (\$74.00); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to One Hundred Eighty-One Thousand Five Hundred Twenty-Six Dollars and Zero Cents (\$181,526.00); 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 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 Five Hundred Dollars and Zero Cents (\$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 One Hundred Eighty-One Thousand Five Hundred Twenty-Six Dollars and Zero Cents (\$181,526.00).

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. No. 2017-13121 is hereby approved.
2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Director of the Department of Finance is hereby authorized and directed to issue checks in the amounts as follows:
 - (a) \$147,957.00 (One Hundred Forty-Seven Thousand Nine Hundred Fifty-Seven Dollars and Zero Cents) made payable and mailed to: Salvatore Fischett. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$12,918.00 (Twelve Thousand Nine Hundred Eighteen Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees and \$600.00 (Six Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions..
 - (b) \$32,295.00 (Thirty-Two Thousand Two Hundred Ninety-Five Dollars and Zero Cents) made payable to: Dr. David Weiss, 201 Woolston Drive, Morrisville, Pennsylvania 19067.
 - (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to: Sall/Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.
 - (d) \$74.00 (Seventy-Four Dollars and Zero Cents), made payable to: Renzi Legal Services, 2277 State Highway #33, Suite 410, Trenton, New Jersey 08690.
3. Attached hereto are the Certifications of the 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. 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 authorizes the Corporation Counsel and/or his designee, the firm of Chasan Lamparello Mallon & Cappuzzo 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 \$181,526.00 brought by Salvatore Fischetta, for injuries he sustained while employed as a Firefighter with the Department of Public Safety, Fire Division.