



Legislation Text

File #: 21-0124, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2018-8708

Claimant: Manuel Ferreira

Claimant's Attorney: Almeida & Stanton, Esq.

Settlement Amount: \$46,786.80

Funding Source: Insurance Trust Fund

Additional Comments:

WHEREAS, the Petitioner, Manuel Ferreira, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. No. 2018-8708 against the City of Newark seeking workers' compensation benefits as a result of an injury to his right shoulder on July 11, 2017 during the course of duty, while employed by the City of Newark, Department Public Works, Division of Motors; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Almeida & Stanton, Esq., Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel"), have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-20) by payment in the amount of Forty Thousand Eight Hundred Ninety Dollars and Zero Cents (\$40,890.00). 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 Four Thousand Nine Hundred Six Dollars and Eighty Cents (\$4,906.80), a medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00), payable to: Dr. Jay Zaretsky, M.D., a medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00), payable to: Dr. Cheryl Wong, M.D., and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Forty-Six Thousand Seven Hundred Eighty-Six Dollars and Eighty Cents (\$46,786.80); 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 interest 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-Six Thousand Seven Hundred Eighty-Six Dollars and Eighty Cents (\$46,786.80).

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. 2018-8708 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) \$37,318.80 (Thirty-Seven Thousand Three Hundred Eighteen Dollars and Eighty Cents) made payable and mailed to: Manuel Ferreira., of Newark, New Jersey 07105, (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, Three Thousand Two Hundred Seventy-One Dollars and Twenty Cents (\$3,271.20) is being subtracted from the Petitioner's award to pay attorney's fees, and Six Hundred Dollars and Zero Cents (\$600.00) is being subtracted to pay for medical evaluation in accordance with the settlement provisions.)
 - (b) \$8,178.00 (Eight Thousand One Hundred Seventy-Eight Dollars and Zero Cents) made payable to: Almeida & Stanton, Esqs., of Newark, New Jersey 07105.
 - (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to: Dr. Jay Zaretsky, 100 Hamilton Plaza, Third Floor, Paterson, New Jersey 07509.
 - (d) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to: Dr. Cheryl Wong, 100 Hamilton Plaza, Third Floor, Paterson, New Jersey 07509.
 - (e) \$90.00 (Ninety Dollars and Zero Cents), made payable to: Guy Renzi & Associates Inc., 2277 State Highway #33, Suite 410, Trenton, New Jersey 08690.
3. Attached hereto is the Certification of the City Comptroller, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove and 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 in the Office of the City Clerk.

STATEMENT

This resolution authorizes the Corporation Counsel and/or his designee, The Woolridge Law Firm LLC, on behalf of the City of Newark, to effectuate amsettlement by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of \$46,786.80, brought by Manuel Ferreira, who suffered injuries on July 11, 2017, while employed as a mechanic by the City of Newark's Department Public Works, Division of Motors.