



## Legislation Text

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File #: 14-1423, Version: 1

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**Dept/ Agency:** Law

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

**Purpose:** Settlement of Workers' Compensation

**C.P. No.:** 2012-6322

**Claimant:** Ramon Candelaria

**Claimant's Attorney:** Gary J. Lustbader, Esquire

**Attorney's Address:** 80 Main Street, Suite 450, West Orange, New Jersey 07052

**Settlement Amount:** \$31,881.00

**Funding Source:** Insurance Trust Fund

**Additional Comments:**

**Invitation:** Corporation Counsel, October 15, 2014

**WHEREAS**, the Petitioner, Ramon Candelaria, instituted suit in the Division of Workers Compensation of New Jersey, Union County, bearing C.P. Number 2012-6322 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on January 30, 2012, while working as a Police Officer for the Newark Police Department; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Gary J. Lustbader, Esquire, the prior Corporation Counsel and/or her 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 Twenty-Eight Thousand Two Hundred Six Dollars (\$28,206.00). 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 fee of Three Thousand Three Hundred Eighty-Five Dollars (\$3,385.00), a medical evaluation fee of Two Hundred Dollars (\$200.00) and a transcription fee of Ninety Dollars (\$90.00) for a total settlement of Thirty-One Thousand Eight Hundred Eighty-One Dollars (\$31,881.00); 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 \$500.00 and all the terms and conditions are substantially the same as authorized by the resolution; and

**WHEREAS**, the prior Corporation Counsel and/or Outside Counsel based upon all of the facts and circumstances surrounding this matter, deemed it is in the best interest of the City of Newark to accept said settlement in the total amount of Thirty-One Thousand Eight Hundred Eighty-One Dollars (\$31,881.00); and

**WHEREAS**, the prior Corporation Counsel did not have the opportunity to present this matter to the Municipal Council for approval prior to her departure from the City.

**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. 2012-6322 is hereby approved.

2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Acting Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:

(a) \$25,730.00 (Twenty-Five Thousand Seven Hundred Thirty Dollars and Zero Cents) made payable and mailed to Ramon Candelaria, 2000 Henry Street, Rahway, New Jersey 07065. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,276.00 (Two Thousand Two Hundred Seventy-Six Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$200.00 (Two Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)

(b) \$5,661.00 (Five Thousand Six Hundred Sixty-One Dollars and Zero Cents) made payable to Gary J. Lustbader, Esquire, 80 Main Street, Suite 450, West Orange, New Jersey 07052.

(c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Morris Horowitz, M.D., 175 Cedar Lane, Teaneck, New Jersey 07666.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien, Inc., Post Office Box 428, Kenilworth, New Jersey 07033.

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 Fund 024, Agency 24T, Orgn 5T24, Object 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 Corporation Counsel or her designee, Chasan Leyner & Lamparello, PC, 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 Thirty-One Thousand Eight Hundred Eighty-One Dollars (\$31,881.00) brought by Ramon Candelaria, 2000 Henry Street, Rahway, represented by Gary J. Lustbader, Esquire, who suffered injuries arising out of an accident that occurred on January 30, 2012 while he was employed as a Police Officer by the Newark Police Department.