



## Legislation Text

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File #: 16-1521, Version: 1

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**Dept/ Agency:** Law

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

**Purpose:** Settlement of Workers' Compensation Claim

**C.P. No.:** 2010-9890

**Claimant:** Michael Sorace

**Claimant's Attorney:** Wysoker, Glassner & Weingarter

**Attorney's Address:** 340 George Street, New Brunswick, New Jersey 08901

**Settlement Amount:** \$38,457.00

**Funding Source:** Insurance Fund Trust

**Additional Comments:**

**Invitation:** Corporation Counsel, December 6, 2016

**WHEREAS**, the Petitioner, Michael Sorace, instituted suit in the Division of Workers' Compensation of New Jersey, Hunterdon County, bearing C.P. Number 2010-9890 against the City of Newark seeking workers' compensation benefits as a result of aggravation of chronic sinusitis with bronchitis and aggravation of other conditions stemming from his long employment as a Firefighter for the City of Newark; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Wysoker, Glassner & Weingarter, Corporation Counsel and/or his designee, Martin M. Glazer, Esq. ("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 Thirty-Three Thousand Seventy-Five Dollars and Zero Cents (\$33,075.00). 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 Five Thousand Two Hundred Ninety-Two Dollars and Zero Cents (\$5,292.00), and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Thirty-Eight Thousand Four Hundred Fifty Seven Dollars and Zero Cents (\$38,457.00); 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 the 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 Thirty-Eight Thousand Four Hundred Fifty-Seven Dollars and Zero Cents (\$38,457.00).

**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. Number 2010-9890 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) \$31,752.00 (Thirty-One Thousand Seven Hundred Fifty-Two Dollars and Zero Cents) made payable and mailed to Michael Sorace, 69 Fairman Avenue, Bridgewater, New Jersey 08807. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$1,323.00 (One Thousand Three Hundred Twenty-Three Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney fees in accordance with the settlement provisions.

(b) \$6,615.00 (Six Thousand Six Hundred Fifteen Dollars and Zero Cents) made payable to Wysoker, Glassner & Weingarter, 340 George Street, New Brunswick, New Jersey 08901.

(c) \$90.00 (Ninety Dollars and Zero Cents) made payable to John F. Trainor, Inc., 4573 S Broad Street, Suite 110, Hamilton, New Jersey 08620

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 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.

### **STATEMENT**

This resolution authorizes Corporation Counsel and/or his designee, Martin M. Glazer, Esq., on behalf of the City of Newark, to resolve this matter by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of Thirty-Eight Thousand Four Hundred and Fifty-Seven Dollars and Zero Cents (\$38,457.00) brought by Michael Sorace of 69 Fairman Avenue, Bridgewater, New Jersey 08807 and represented by Wysoker, Glassner & Weingarter who suffered injuries arising while he was employed by the City of Newark.

