



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 16-1619, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2014-20254

Claimant: Michael Latorre

Claimant's Attorney: Andrew Graulich, Esq.

Attorney's Address: 17 Academy Street, Suite 1111, Newark, New Jersey 07102

Settlement Amount: \$21,858.00

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, December 20, 2016

WHEREAS, the Petitioner, Michael Latorre, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-20254 against the City of Newark seeking workers' compensation benefits as a result of being assaulted by a prisoner wherein he sustained on June 10, 2014, while employed as a Police Officer by the City of Newark Department of Public Safety - Police Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Andrew Graulich, Esq. and 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 Eighteen Thousand Nine Hundred Dollars and Zero Cents (\$18,900.00). 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 Two Thousand Two Hundred Sixty Eight Dollars and Zero Cents (\$2,268.00), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Gerald West, and a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) Dr. Theodora Maio and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty One Thousand Eight Hundred Fifty Eight Dollars and Zero Cents (\$21,858.00); 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, 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 Twenty One Thousand Eight Hundred Fifty Eight Dollars and Zero Cents (\$21,858.00).

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. 2014-20254 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) \$16,788.00 (Sixteen Thousand Seven Hundred and Eighty Eight Dollars and Zero Cents) made payable and mailed to Michael Latorre 103 Tiona Avenue, Bellville, New Jersey 07109. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$1,512.00 (One Thousand Five Hundred and Twelve 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) \$3,780.00 (Three Thousand Seven Hundred and Eighty Dollars and Zero Cents) made payable to Andrew Graulich, Esq. 17 Academy Street, Suite 1111, Newark, New Jersey 07102.
- (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Theodora Maio, M.D. 100 Hamilton Plaza, 3rd Fl. Paterson, New Jersey 07509
- (d) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Gerald West, D.O., F.O.C.O.O., 505 Chestnut Street, Roselle, New Jersey 07204
- (e) \$90.00 (Ninety Dollars and Zero Cents), made payable to State Shorthand Reporting, Post Office 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 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 or his designee, The Woolridge Law Firm LLC, 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 \$21,858.00 (Twenty One Thousand Eight Hundred and Fifty Eight Dollars and Zero Cents) brought by Michael Latorre, 103 Tiona Ave, Belleville, New Jersey 07109 and represented by Andrew Graulich, Esq. 17 Academy Street, Suite 1111, Newark, New Jersey 07102, who suffered injuries arising out of an accident that occurred on June 10, 2014, while he was employed by the City of Newark Department of Public Safety - Police Division.