



Legislation Text

File #: 14-0535, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2010-5986

Claimant: Michael Holston

Claimant's Attorney: Samuel Rothfeld, Esq.

Attorney's Address: 576 Central Avenue, Suite 200, East Orange, New Jersey 07018

Settlement Amount: \$35,770.00

Funding Source: Insurance Fund Trust Account

Additional Comments:

Invitation: Corporation Counsel, June 4, 2014

WHEREAS, the Petitioner, Michael Holston, instituted suit in the Division of Workers' Compensation of New Jersey, Essex County, bearing C.P. Number 2010-5986 against the City of Newark seeking workers' compensation benefits, as a result of an accident that he sustained on March 5, 2010, while working for the Department of Water and Sewer Utilities; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Samuel Rothfeld, Esq., Corporation Counsel and/or his/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 Thirty-One Thousand Five Hundred Forty-Five Dollars (\$31,545.00). 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 Three Thousand Seven Hundred Eighty-Five Dollars (\$3,785.00), a medical evaluation fee of Two Hundred Dollars (\$200.00) and a transcription fee of Two Hundred Forty Dollars (\$240.00), for a total settlement amount of Thirty-Five Thousand Seven Hundred Seventy Dollars (\$35,770.00); and

WHEREAS, this settlement is subject to approval by the Judge of the Division of Workers' Compensation; and

WHEREAS, the total value of this settlement 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 Five Hundred Dollars (\$500.00) and all the terms and conditions are substantially the same as authorized by this 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-Five Thousand Seven Hundred Seventy Dollars (\$35,770.00).

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. 2010-5986 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) \$28,421.00 (Twenty-Eight Thousand Four Hundred Twenty-One Dollars) made payable and mailed to Michael Holston, 633 Sanford Avenue, Newark, New Jersey 07106. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,924.00 (Two Thousand Nine Hundred Twenty-Four Dollars) is being subtracted from the Petitioner's award to pay attorney's fees, and \$200.00 (Two Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$6,709.00 (Six Thousand Seven Hundred Nine Dollars) made payable to Samuel Rothfeld, Esq., 576 Central Avenue, Suite 200, East Orange, New Jersey 07018.
 - (c) \$400.00 (Four Hundred Dollars) made payable to Sall/Myers Medical Associates, Post Office Box 2947, Paterson, New Jersey 07509.
 - (d) \$240.00 (Two Hundred Forty Dollars), made payable to William C. O'Brien, Inc., Post Office Box 428, Kenilworth, New Jersey 07033.
3. Attached hereto are the Certifications of Funds from the Comptroller of the City of Newark, which states that there are sufficient legally appropriated funds available 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. Minor changes to the amount of the settlement and distribution shall not require subsequent Municipal Council approval provided that the settlement amount is not increased or decreased above Five Hundred Dollars (\$500.00) and all the terms and conditions are substantially the same as authorized by the resolution.
5. 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 hereby authorizes the Corporation Counsel and/or his/her designee, Chasan Leyner & Lamparello, P.C., ("Outside Counsel") 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-Five Thousand Seven Hundred Seventy Dollars (\$35,770.00) brought by Michael Holston, 633 Sanford Avenue, Newark, New Jersey 07106, represented by Samuel Rothfeld, Esq., 576 Central Avenue, Suite 200, East Orange, New Jersey 07018, who suffered injuries arising out of an accident that occurred on March 5, 2010, while he was employed by the Department of Water and Sewer Utilities.