



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 17-1795, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2012-9029

Claimant: Diana Baker

Claimant's Attorney: Brady, Brady & Reilly, L.L.C.

Attorney's Address: 377 Kearny Avenue, Kearny, New Jersey 07032

Settlement Amount: \$22,087.55

Funding Source : Insurance Trust Fund

Additional Comments:

Invitation: Acting Corporation Counsel

WHEREAS, the Petitioner, Diana Baker, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2012-9029 against the City of Newark seeking workers' compensation benefits as a result of being hit by a car while performing her duties as a crossing guard for the City of Newark Police Department, on February 16, 2012; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Matthew Pomo, Esq. from the law office of Brady, Brady & Reilly, L.L.C. and Acting 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 Seventeen Thousand Five Hundred Sixty-Three Dollars and Sixty-Four Cents (\$17,563.64). 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 Nine Hundred Twenty Three Dollars and Ninety One Cents (\$3,923.91), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Cheryl Wong, and a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Stephen Flood and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty-Two Thousand Eighty-Seven Dollars and Fifty-Five Cents (\$22,087.55); 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, Acting 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-Two Thousand Eighty-Seven Dollars and Fifty-Five Cents (\$22,087.55).

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. 2012-9029 is hereby approved.
2. Upon receipt by the Acting 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) \$20,082.55 (Twenty Thousand Eighty-Two Dollars and Fifty-Five Cents) made payable and mailed to Diana Baker, 61 Oakland Terrace, 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, \$2,615.00 (Two Thousand Six Hundred and Fifteen Dollars) is being subtracted from the Petitioner's award to pay attorney's fees, and \$600.00 (Six Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$6,539.85 (Six Thousand Five Hundred Thirty-Nine Dollars and Eighty-Five Cents) made payable to Brady Brady & Reilly LLC 377 Kearny Avenue, Kearny, New Jersey 07032
 - (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Cheryl Wong, M.D., 100 Hamilton Plaza 3rd Fl., Paterson, New Jersey 07509
 - (d) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Stephen Flood, M.D. 100 Hamilton Plaza 3rd Fl., Paterson, New Jersey 07509
 - (e) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien Associates, 525 Boulevard, 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 Business Unit 024, Dept. ID 24T, Div/Proj. 5T24, Account Code 96310. A copy of the Comptroller's certifications shall be filed by the Acting 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 Acting Corporation Counsel.

STATEMENT

This resolution authorizes Acting 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 \$22,087.55 brought by Diana Baker, 61 Oakland Terrace, Newark, New Jersey 07106, who suffered injuries when she was struck by a motor vehicle on February 16, 2012 while employed by the City of Newark, Department of Police.