



## Legislation Text

File #: 17-1773, Version: 1

**Dept/ Agency:** Law

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

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

**C.P. No.:** 2014-11280

**Claimant:** Quawee A. Elmore

**Claimant's Attorney:** David Bolson, Esquire

**Attorney's Address:** 76 South Orange Avenue, South Orange, New Jersey 07079

**Settlement Amount:** \$37,917.00

**Funding Source:** Insurance Trust Fund

**Additional Comments:**

**Invitation:** Acting Corporation Counsel

**WHEREAS**, Petitioner, Quawee Elmore, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-11280 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on March 5, 2014 while working for the City of Newark Department of Neighborhood and Recreational Services, Division of Sanitation, when he injured his left shoulder during a lifting episode; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, David Bolson, Esquire, Acting Corporation Counsel and/or Chasan Lamparello Mallon & Cappuzzo ("Outside Counsel") has 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 \$33,507.00 (Thirty-three Thousand Five Hundred Seven Dollars and Zero cents). 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 \$4,020.00 (Four Thousand Twenty Dollars and Zero Cents), medical evaluation fee of \$300.00 (Three Hundred Dollars and Zero Cents) and a transcription fee of \$90.00 (Ninety Dollars and Zero Cents); and

**WHEREAS**, the total value of this settlement with the above referred to fees amounts to \$37,917.00 (Thirty-Seven Thousand Nine Hundred Seventeen Dollars and Zero Cents); 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 \$37,917.00 (Thirty-Seven Thousand Nine Hundred Seventeen Dollars and Zero Cents).

**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. 2014-11280 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) \$30,527.00 (Thirty Thousand Five Hundred Twenty-Seven Dollars and Zero Cents) made payable and mailed to Quawee Elmore, 52 Brunswick Street, Newark, New Jersey 07114. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$2,680.00 (Two Thousand Six Hundred Eighty Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorneys' fees and \$300.00 (Three Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.
- (b) \$6,700.00 (Six Thousand Seven Hundred Dollars and Zero Cents) made payable to David Bolson, Esquire, 76 South Orange Avenue, South Orange, New Jersey 07079.
- (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, PO Box 2947, Paterson, New Jersey 07509.
- (d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O' Brien & Associates 525 Boulevard, 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 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 the Acting Corporation Counsel or his designee, Chasan Lamparello Mallon & Cappuzzo 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 \$37,917.00 (Thirty-Seven Thousand Nine Hundred Seventeen Dollars and Zero Cents) brought by Quawee Elmore, for injuries he sustained while employed by the Department of Neighborhood and Recreational Services, Division of Sanitation.

