



Legislation Text

File #: 16-1368, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2009-22420

Claimant: Alicia Morales-Gibbs

Claimant's Attorney: Michael R. Press, Esq.

Attorney's Address: 80 Main Street, Suite 430, West Orange, New Jersey 07052

Settlement Amount: \$35,080.00

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, October 4, 2016

WHEREAS, the Petitioner, Alicia Morales-Gibbs, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2009-22420 against the City of Newark seeking workers' compensation benefits as a result of an accident that she sustained on July 20, 2009, while working for the Department of Water and Sewer Utilities; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Michael Press, Esq., Corporation Counsel and/or his 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 Thousand Seven Hundred Ninety-Five Dollars and Zero Cents (\$30,795.00). 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 Three Thousand Six Hundred Ninety-Five Dollars and Zero Cents (\$3,695.00), a medical evaluation fee of Five Hundred Dollars and Zero Cents (\$500.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Thirty-Five Thousand Eighty Dollars and Zero Cents (\$35,080.00); 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 Corporation Counsel opines that 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-Five Thousand Eighty Dollars and Zero Cents (\$35,080.00).

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. 2009-22420 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) \$27,743.00 (Twenty-Seven Thousand Seven Hundred Forty Three Dollars and Zero Cents) made payable and mailed to: Alicia Morales-Gibbs 6 Watson Avenue Apt. 1R East Orange, New Jersey 07018. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,552.00 (Two Thousand Five Hundred Fifty-Two Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$500.00 (Five Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)

(b) \$6,247.00 (Six Thousand Two Hundred Forty-Seven Dollars and Zero Cents) made payable to Michael R. Press, Esq., 80 Main Street, Suite 430 West Orange, New Jersey 07052.

(c) \$1,000.00 (Five Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates (Dr. Wong & Dr. Kulkarni) P.O. Box 2947 Paterson, New Jersey 07509.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to State Shorthand P.O. 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 and/or his designee, Chasan Leyner & Lamparello, P.C., 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 Eighty Dollars and Zero Cents (\$35,080.00) brought by Alicia Morales-Gibbs and represented by Michael Press, Esq, who suffered injuries arising out of an accident that occurred on July 20, 2009, while she was employed by the Department of Water and Sewer Utilities.