



Legislation Text

File #: 16-0726, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2007-4892

Claimant: Wendell Adamson

Claimant's Attorney: William J. Scherrman, Esq.

Attorney's Address: 9 Commerce Street, Newark, New Jersey 07102-3901

Settlement Amount: \$120,150.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel, May 17, 2016

WHEREAS, the Petitioner, Wendell Adamson, instituted suit in the Division of Workers' Compensation of New Jersey, Union County, bearing C.P. Number 2007-4892 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on August 3, 2005, while working for the City of Newark; and

WHEREAS, following settlement negotiations through Petitioner's attorney, William J. Sherman, Esq., Corporation Counsel and/or his designee, Martin M. Glazer, Esq. ("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 One Hundred Three Thousand Nine Hundred Fifty Dollars and Zero Cents (\$103,950.00). 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 Fourteen Thousand Dollars and Zero Cents (\$14,000.00), a medical evaluation fee of One Thousand Two Hundred Dollars and Zero Cents (\$1,200.00) and a transcription fee of One Thousand Dollars and Zero Cents (\$1,000.00) for a total settlement of One Hundred Twenty Thousand One Hundred Fifty Dollars and Zero Cents (\$120,150.00); 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 the 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 One Hundred Twenty Thousand One Hundred Fifty Dollars and Zero Cents (\$120,150.00).

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. Number 2007-4892 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) \$95,780.00 (Ninety-Five Thousand Seven Hundred Eighty Dollars and Zero Cents) made payable and mailed to Wendell Adamson, 238 West Runyon Street, Newark, New Jersey 07108. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$6,970.00 (Six Thousand Nine Hundred Seventy Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney fees and \$1,200.00 (One Thousand Two Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.

(b) \$20,970.00 (Twenty Thousand Nine Hundred Seventy Dollars and Zero Cents) made payable to William J. Scherman, Esq., 9 Commerce Street, Newark, New Jersey 07102-3901.

(c) \$2,400.00 (Two Thousand Four Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.

(e) \$1,000.00 (One Thousand Dollars and Zero Cents) made payable to William C. O'Brien Associates Inc., 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 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, Martin M. Glazer, Esq., 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 One Hundred Twenty Thousand One Hundred Fifty

Dollars and Zero Cents (\$120,150.00) brought by Wendell Adamson of 238 West Runyon Street, Newark, New Jersey 07108 and represented by William J. Scherman, Esq. who suffered injuries arising out of an accident that occurred on August 3, 2005, while he was employed by the City of Newark.