



## Legislation Text

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File #: 17-1767, Version: 1

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**Dept/ Agency:** Law

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

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

**C.P. No.:** 2014-25576

**Claimant:** Ramon Rosado

**Claimant's Attorney:** Gary J. Lustbader, Esq.

**Attorney's Address:** 80 Main Street, Suite 450, West Orange, New Jersey 07052

**Settlement Amount:** \$28,292.00

**Funding Source:** Insurance Trust Fund

**Additional Comments:**

**Invitation:** Acting Corporation Counsel

**WHEREAS**, Petitioner, Ramon Rosado, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-25576 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on July 24, 2014, while working for the Newark Police Department; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Gary Lustbader, Esquire, Acting Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, PC ("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 Twenty Four Thousand Nine Hundred Twelve Dollars and Zero Cents (\$24,912.00). 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 Two Thousand Nine Hundred Ninety Dollars and Zero Cents (\$2,990.00), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty-Eight Thousand Two Hundred Ninety-Two Dollars and Zero Cents (\$28,292.00); 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 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-Eight Thousand Two Hundred Ninety-Two Dollars and Zero Cents (\$28,292.00).

**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. 2014-25576 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) \$22,227.00 (Twenty-Two Thousand Two Hundred Twenty-Seven Dollars and Zero Cents) made payable and mailed to Ramon Rosado, 212 Davey Street, Apt. C., Bloomfield, New Jersey 07003. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,385.00 (Two Thousand Three Hundred Eighty-Five Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's 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) \$5,375.00 (Five Thousand Three Hundred Seventy-Five Dollars and Zero Cents) made payable to Gary Lustbader, Esq., 80 Main Street, Suite 450, West Orange, New Jersey 07052.
  - (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Morris Horwitz, M.D., 175 Cedar Lane, Suite 4, Teaneck, New Jersey 07666.
  - (d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien, 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, PC, 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 Twenty-Eight

Thousand Two Hundred Ninety-Two Dollars and Zero Cents (\$28,292.00), brought by Ramon Rosado, 212 Davey Street, Apt. C., Bloomfield, New Jersey 07003 who suffered injuries arising out of an accident that occurred on July 24, 2014 while he was employed by the Newark Police Department.