



Legislation Text

File #: 16-0267, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2012-8728

Claimant: Brian Reid

Claimant's Attorney: Edward Berger, Esq.

Attorney's Address: 50 Park Place 11th Floor, Newark, New Jersey 07102

Settlement Amount: \$22,265.00

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, March 15, 2016

WHEREAS, the Petitioner, Brian Reid, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2012-8728 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on March 20, 2012, while working for the Department of Water and Sewer Utilities; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Edward Berger, Esq. and 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. 34:15-22) by payment in the amount of Nineteen Thousand Four Hundred Forty Dollars and Zero Cents (\$19,440.00). 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 Three Hundred Thirty-Five Dollars and Zero Cents (\$2,335.00), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) for Dr. Morris Horwitz and a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) for Dr. Ana Miguel Komotar and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty-Two Thousand Two Hundred Sixty-Five Dollars and Zero Cents (\$22,265.00); 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, 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 Two Hundred Sixty-Five Dollars and Zero Cents (\$22,265.00).

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. 2012-8728 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) \$19,440.00 (Nineteen Thousand Four Hundred Forty Dollars and Zero Cents) made payable and mailed to Brian Reid, 494 Summer Avenue, Newark, New Jersey 07104. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$1,553.00 (One Thousand Five Hundred and Fifty Three Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$400.00 (Four Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$2,335.00 (Two Thousand Three Hundred Thirty-Five Dollars and Zero Cents) made payable to Edward Berger, Esq., 50 Park Place 11th Floor Newark, New Jersey 07102.
 - (c) \$200.00 (Two Hundred Dollars and Zero Cents) made payable to Morris Horwitz, MD, 175 Cedar Lane, Teaneck, New Jersey 07666.
 - (d) \$200.00 (Two Hundred Dollars and Zero Cents) made payable to Ana Miguel Komotar, MD, FAAN, 175 Cedar Lane, Teaneck, New Jersey 07666.
 - (e) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien, Inc., Post Office 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 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.
4. A fully executed copy of the Order Approving Settlement shall be filed in the Office of the City Clerk by the Corporation Counsel.

STATEMENT

This resolution authorizes Corporation Counsel and/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 \$22,265.00 brought by Brian Reid 494 Summer Avenue Newark, New Jersey 07104 and represented by Edward Berger, Esq. who suffered injuries arising out of an accident that occurred on March 20, 2012, while he was employed by the City of Newark Department of Water and Sewer Utilities.