



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 24-0245, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2018-26510

Claimant: Eusnelys Tellez

Claimant's Attorney: Edward A. Berger, Esq., 50 Park Place, 11th Floor, Newark, New Jersey 07102

Settlement Amount: \$102,761.60

Funding Source: 2024 Budget/Law Department/Bus. Unit: NW024, Dept.: 24T, Div./Proj.: 5T24, Account # 96310, Budget Ref. B2024

Additional Information:

WHEREAS, the Petitioner, Eusnelys Tellez instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2018-26510 against the City of Newark seeking Workers' Compensation benefits as a result of alleged injuries sustained on September 28, 2017 while employed by the City of Newark, Department of Public Safety; and

WHEREAS, the following settlement negotiations through Petitioner's attorney, Edward A. 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 Ninety-One Thousand Four Hundred Seventeen Dollars and Fifty Cents (\$91,417.50). Pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers' Compensation, the City of Newark who will also pay an attorney's fee of Ten Thousand Nine Hundred Seventy Dollars and Ten Cents (\$10,970.10); A medical examination fee of Three Hundred Dollars and Zero Cents (\$300.00) made payable to Dr. Morris Horwitz, M.D., located at 175 Cedar Lane Teaneck, New Jersey 07666 and a transcription fee of Seventy-Four Dollars and Zero Cents (\$74.00) made payable to Guy Renzi & Associates, Inc., located at 2277 State Highway #33 Suite 410 Trenton, New Jersey 08690 for a total settlement of settlement in the total amount of One Hundred Two Thousand Seven Hundred Sixty-One Dollars and Sixty Cents (\$102,761.60); 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 One Hundred Two Thousand Seven Hundred Sixty-One Dollars and Sixty Cents (\$102,761.60).

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.: 2018-26510 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. \$83,804.10 (Eighty-Three Thousand Eight Hundred Four Dollars and Ten Cents) made payable to Eusnelys Tellez located at, 53 New York Avenue, Newark, New Jersey 07105 (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$7,313.40 (Seven Thousand Three Hundred Thirteen Dollars and Forty 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 evaluation in accordance with the settlement provisions.)
 - b. \$18,283.50 (Eighteen Thousand Two Hundred Eighty-Three Dollars and Fifty Cents made payable to Edward A. Berger, Esq., located at 50 Park Place, 11th Floor. Newark, New Jersey 07102.
 - c. \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Morris Horwitz, M.D., located at 175 Cedar Lane Teaneck, New Jersey 07666.
 - d. \$74.00 (Seventy-Four Dollars and Zero Cents) made payable to Guy Renzi & Associates Inc., 2277 State Highway #33, Suite 410, Trenton, New Jersey, 08690.

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. 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 settle by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of One Hundred Two Thousand Seven Hundred Sixty-One Dollars and Sixty Cents (\$102,761.60) brought by Eusnelys Tellez whose address is Newark, New Jersey and represented by Edward A. Berger, Esq., located in Newark, New Jersey as a result of alleged injuries sustained on September 28, 2017 while employed by the City of Newark's Department of Public Safety.