



Legislation Text

File #: 14-0302, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2009-11141

Claimant: Antonio Washington

Claimant's Attorney: Nash & Tobias, LLC

Attorney's Address: 1107 Convery Boulevard, Perth Amboy, New Jersey 08861

Settlement Amount: \$28,384.88

Funding Source: Insurance Fund Trust Account

Additional Comments:

Invitation: Corporation Counsel, April 1, 2014

WHEREAS, the Petitioner, Antonio Washington, instituted suit in the Division of Workers' Compensation of New Jersey, Essex County, bearing C.P. Number 2009-11141 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on May 27, 2008 while working as Newark Police Aide when a ladder slipped, causing him to fall 8-10 feet, injuring his left leg; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Nash & Tobias, LLC, Corporation Counsel and/or her 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 Twenty-Five Thousand Eighty-Four Dollars and Eighty-Eight Cents (\$25,084.88). 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's fee of Three Thousand Ten Dollars (\$3,010.00), a medical evaluation fee of Two Hundred Dollars (\$200.00) and a transcription fee of Ninety Dollars (\$90.00) for a total settlement value of Twenty-Eight Thousand Three Hundred Eighty-Four Dollars and Eighty-Eight Cents (\$28,384.88); 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 the 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 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-Eight Thousand Three Hundred Eighty-Four Dollars and Eighty-Eight Cents (\$28,384.88).

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. 2009-11141 is hereby approved.

2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Acting Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:

(a) \$21,986.39 (Twenty-One Thousand Nine Hundred Eighty-Six Dollars and Thirty-Nine Cents) made payable and mailed to Antonio Washington, 65 Ingraham Place, 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, \$2,005.00 (Two Thousand Five Dollars) is being subtracted from the Petitioner's award to pay attorney's fees, \$200.00 (Two Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions and \$893.49 (Eight Hundred Ninety-Three Dollars and Forty-Nine Cents) is being subtracted to satisfy the current child support lien)

(b) \$5,015.00 (Five Thousand Fifteen Dollars) made payable to Nash & Tobias, LLC, 1107 Convery Boulevard, Perth Amboy, New Jersey 08861.

(c) \$400.00 (Four Hundred Dollars) made payable to Sall/Myers Medical Associates, Post Office Box 2947, Paterson, New Jersey 07509.

(d) \$893.49 (Eight Hundred Ninety-Three Dollars and Forty-Nine Cents) made payable to NJFSPC, Post Office Box 4880, Trenton, New Jersey 08650.

(e) \$90.00 (Ninety Dollars), 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 Fund 024, Agency 24T, Orgn 5T24, Object 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 her 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 \$28,384.88.00 brought by Antonio Washington of 65 Ingraham Place, Newark, New Jersey, represented by Nash & Tobias, LLC, who suffered injuries arising out of an accident that occurred on May 27, 2008 while he was working as a Police Aide for the Newark Police Department.