



## Legislation Text

---

File #: 16-0248, Version: 1

---

**Dept/ Agency:** Law

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

**Purpose:** Settlement of Workers' Compensation

**C.P. No.:** 2012-17035

**Claimant:** Eulises Roman

**Claimant's Attorney:** Mark Maurer, Esq.

**Attorney's Address:** 400 Market Street 2<sup>nd</sup> Floor, Newark, New Jersey 07105

**Settlement Amount:** \$54,053.52

**Funding Source:** Insurance Fund Trust

**Additional Comments:**

**Invitation:** Corporation Counsel, March 15, 2016

**WHEREAS**, the Petitioner, Eulises Roman, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2012-17035 against the City of Newark seeking workers' compensation benefits as a result of an orthopedic injury he sustained, while employed by the City of Newark; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Mark Maurer, Esq. and Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel"), the parties have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-20) by payment in the amount of Forty-Seven Thousand Six Hundred and Forty-Six Dollars and Zero Cents (\$47,646.00). 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 Five Thousand Seven Hundred and Seventeen Dollars and Fifty-Two Cents. (\$5,717.52), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Morris Horwitz and a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Ana Miguel Komotar and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Fifty-Four Thousand Fifty Three Dollars and Fifty Two Cents (\$54,053.52); 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 Fifty Four Thousand Fifty Three Dollars and Fifty Two Cents (\$54,053.52).

**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. 2012-17035 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) \$43,234.32. (Forty-Three Thousand Two Hundred Thirty-Four Dollars and Thirty-Two Cents) made payable and mailed to Eulises Roman 123 Chester Avenue, 1<sup>st</sup> Floor 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, \$3,811.68 (Three Thousand Eight Hundred and Eleven Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$600.00 (Six Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
  - (b) \$9,529.20 (Nine Thousand Five Hundred and Twenty-Nine Dollars and Twenty Cents) made payable to Mark Maurer, Esq. from the Law Firm of Ginarte, O'Dwyer, Gonzalez & Winograd 400 Market Street, 2<sup>nd</sup> Floor, Newark, New Jersey 07105, \$5,717.52 (Five Thousand Seventeen Dollars and Fifty-Two Cents) is being paid by the City for petitioner's attorney fees.
  - (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Morris Horwitz M.D. 175 Cedar Lane Teaneck, NJ 07666.
  - (d) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Ana Miguel Komotar, M.D. 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 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 \$54,053.52, brought by Eulises Roman 123 Chester Avenue 1<sup>st</sup> Floor, Newark, New Jersey 07105 and represented by Mark Maurer, Esq. from the Law Firm of Ginarte, O'Dwyer, Gonzalez & Winograd who sustained orthopedic injuries while employed at the City of Newark.