



Legislation Text

File #: 16-0347, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2011-4693

Claimant: Tyrone Mitchell

Claimant's Attorney: Law Offices of Feeley & LaRocca

Attorney's Address: 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079

Settlement Amount: \$26,645.00

Funding Source: Insurance Fund Trust Account

Additional Comments:

Invitation: Corporation Counsel, April 19, 2016

WHEREAS, the Petitioner, Tyrone Mitchell, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2011-4693 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on October 13, 2010 while working for the Newark Fire Department he was removing a large door during a working fire and injured his lower back; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Feeley & LaRocca, Corporation Counsel and/or his designee, Chasan Leyner & Lamparello, P.C. ("Outside Counsel") has 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 \$23,442.00 (Twenty-Three Thousand Four Hundred Forty-Two Dollars and Zero Cents). 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 \$2,813.00 (Two Thousand Eight Hundred Thirteen Dollars and Zero Cents), a medical evaluation fee of \$300.00 (Three Hundred Dollars and Zero Cents) and a transcription fee of \$90.00 (Ninety Dollars and Zero Cents); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to \$26,645.00 (Twenty-Six Thousand Six Hundred Forty-Five Dollars and Zero Cents); 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 \$26,645.00 (Twenty-Six Thousand Six Hundred Forty-Five Dollars and Zero Cents).

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. 2011-4693 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) \$21,267.00 (Twenty-One Thousand Two Hundred Sixty-Seven Dollars and Zero Cents) made payable and mailed to Tyrone Mitchell, 35 Cleveland Avenue, Newark, New Jersey 07106. It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$1,875.00 (One Thousand Eight Hundred Seventy Five Dollars and Zero Cents) is being subtracted from the Petitioner's dollars to pay for medical evaluations in accordance with the settlement provisions.)
- (b) \$4,688.00 (Four Thousand Six Hundred Eighty Eight Dollars and Zero Cents) made payable to Law Offices of Feeley & LaRocca, 76 South Orange Avenue, Suite 211 South Orange, New Jersey 07079.
- (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. David Weiss 1460 Livingston Avenue Building 400, North Brunswick, New Jersey 08902.
- (d) \$90.00 (Ninety Dollars and Zero Cents), made payable to State Shorthand P.O. Box 227 Allenhurst, New Jersey 07711.

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, 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 \$26,645.00, brought by Tyrone Mitchell, who suffered injuries arising out of an accident that occurred on October 13, 2010, while he was employed by the Newark Fire Department.

