



Legislation Details (With Text)

File #: 13-1099 **Version:** 1 **Name:** Workers' Compensation Settlement (Omar Diaz)
Type: Resolution **Status:** Filed
File created: 6/4/2013 **In control:** Law
On agenda: 7/3/2013 **Final action:** 7/3/2013

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2009-6768
Claimant: Omar Diaz
Claimant's Attorney: Sardo & Batista, PC
Attorney's Address: 134 Wilson Avenue, Newark, New Jersey 07105
Settlement Amount: \$23,603.00
Funding Source: Insurance Fund Commission
Additional Comments:
Invitation: Corporation Counsel , July 2, 2013

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
7/3/2013	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Omar Diaz, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2009-6768 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on August 25, 2008 while working for the Newark Police Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Sardo & Batista, Corporation Counsel and/or its designee, Chasan, Leyner & Lamparello, P.C., the parties have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-22) by payment in the amount of Twenty Thousand Six Hundred Thirteen Dollars (\$20,613.00). 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's fee of Two

Thousand Five Hundred Dollars (\$2,500.00), a medical evaluation fee of Four Hundred Dollars (\$400.00) and a transcription fee of Ninety Dollars (\$90.00); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to Twenty Three Thousand Six Hundred Three Dollars (\$23,603.00); and

WHEREAS, based upon all of the facts and circumstances surrounding this matter, Corporation Counsel and/or its designee, Chasan Leyner & Lamparello, P.C., deem it is in the best interest of the City of Newark to accept said settlement in the total amount of Twenty Three Thousand Six Hundred Three Dollars (\$23,603.00).

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. 2009-6768 is hereby approved.
2. Upon receipt by the Corporation Counsel and/or its designee, Chasan, Leyner & Lamparello, P.C., of all supporting documents, the Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:
 - (a) \$18,591.00 (Eighteen Thousand Five Hundred Ninety-one Dollars) made payable and mailed to Omar Diaz, 71 Belmoir Street, Belleville, New Jersey 07109. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$1,622.00 (One Thousand Six Hundred Twenty-two Dollars) is being subtracted from the Petitioner's award to pay attorney's fees, and \$400.00 (Four Hundred dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$4,122.00 (Four Thousand One Hundred Twenty-two Dollars) made payable to Sardo & Batista, PC 134 Wilson Avenue, Newark, New Jersey 07105.
 - (c) \$800.00 (Eight Hundred Dollars) made payable to Sall/Myers Medical Associates, PO Box 2947, Paterson, New Jersey 07509.
 - (d) \$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 its 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 Twenty Three Thousand Six Hundred Three Dollars (\$23,603.00) brought by Omar Diaz who suffered injuries arising out of an accident that occurred on August 25, 2008, while working for the Newark Police Department.