



## Legislation Details (With Text)

**File #:** 13-1862      **Version:** 1      **Name:** Workers' Compensation Settlement: Ruth Pomales  
**Type:** Resolution      **Status:** Filed  
**File created:** 10/2/2013      **In control:** Law  
**On agenda:** 11/18/2013      **Final action:** 11/18/2013  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation  
C.P. No.: 2007-3007  
Claimant: Ruth Pomales  
Claimant's Attorney: Nathaniel Davis, Esq.  
Attorney's Address: 60 Park Place, Suite 208, Newark, New Jersey 07102  
Settlement Amount: \$ 28,870.00  
Funding Source: Insurance Fund Commission  
Additional Comments:  
Invitation: Corporation Counsel, November 18, 2013

### Sponsors:

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
11/18/2013	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Petitioner, Ruth Pomales, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2007-3007 against the City of Newark seeking Workers' Compensation Benefits, as a result of an accident that she sustained on May 9, 2005, while working for the Department of Neighborhood and Recreational Services; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Nathaniel Davis, Esq., Corporation Counsel and/or its 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 Twenty-Five Thousand Eighty Dollars (\$25,080.00). 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 Three

Thousand Five Hundred Dollars (\$3,500.00), medical evaluation fees of Two Hundred Dollars (\$200.00) 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-Eight Thousand Eight Hundred Seventy Dollars (\$28,870.00); 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 Eight Hundred Seventy Dollars (\$28,870.00).

**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. 2007-3007 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) \$23,326.00 (Twenty-Three Thousand Three Hundred Twenty-Six Dollars) made payable and mailed to Ruth Pomales, 639 North 6<sup>th</sup> Street, 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, \$1,500.00 (One Thousand Five Hundred Dollars) is being subtracted from the Petitioner's award to pay attorney's fees, \$54.00 (Fifty-Four Dollars) is being subtracted for attorney costs, and \$200.00 (Two Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
- (b) \$5,000.00 (Five Thousand Dollars) made payable to Nathaniel Davis, Esq., 60 Park Place, Suite 208, Newark, New Jersey 07102.
- (c) \$54.00 (Fifty-Four Dollars) made payable to Nathaniel Davis, Esq., 60 Park Place, Suite 208, Newark, New Jersey 07102.
- (d) \$400.00 (Four Hundred Dollars) made payable to Theodora Maio, M.D., Post Office Box 2947, Paterson, New Jersey 07509.
- (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 the line appropriation of the Official Budget, that 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 hereby 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-Eight Thousand Eight Hundred Seventy Dollars (\$28,870.00) brought by Ruth Pomales, 639 North 6<sup>th</sup> Street, Newark, New Jersey 07104, represented by Nathaniel Davis, Esq., 60 Park Place, Suite 208, Newark, New Jersey 07102, who suffered injuries arising out of an accident that occurred on May 9, 2005, while she was employed by the Department of Neighborhood and Recreational Services..