



Legislation Details (With Text)

File #: 13-2031 **Version:** 1 **Name:** Workers' Compensation Settlement (Francois Odom)
Type: Resolution **Status:** Filed
File created: 10/21/2013 **In control:** Law
On agenda: 12/4/2013 **Final action:** 12/4/2013
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2007-21306
Claimant: Francoise Odom
Claimant's Attorney: Donald Werner, Esquire
Attorney's Address: 744 Broad Street, Suite 522, Newark, New Jersey, 07102
Settlement Amount: \$36,838.00
Funding Source: Insurance Fund Commission
Additional Comments:
Invitation: Corporation Counsel , December 3, 2013

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/4/2013	1	Municipal Council	Adopt	Pass

Dept/ Agency: Law

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WHEREAS, the Petitioner, Francoise Odom, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2007-21306 against the City of Newark seeking Workers' Compensation benefits as a result of an accident that he sustained on February 27, 2007 while working as a firefighter for the Newark Fire Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Donald Werner, Esquire, 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 Thirty-Two Thousand Four Hundred Dollars (\$32,400.00). 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 Three Thousand Eight Hundred Eighty-Eight Dollars (\$3,888.00), a medical evaluation fee of Four Hundred Dollars (\$400.00) and a transcription fee of One Hundred Fifty Dollars (\$150.00); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to Thirty-Six Thousand Eight Hundred Thirty-Eight Dollars (\$36,838.00); and

WHEREAS, based upon all of the facts and circumstances surrounding this matter, the Corporation Counsel and/or its designee Outside Counsel, deem it is in the best interest of the City of Newark to accept said settlement in the total amount of Thirty-Six Thousand Eight Hundred Thirty-Eight Dollars (\$36,838.00).

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Corporation Counsel is hereby authorized on behalf of the City of Newark to execute and accept the terms of the settlement of the Workers' Compensation matter bearing C. P. No. 2007-21306.

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) \$29,408.00 (Twenty-Nine Thousand Four Hundred Eight Dollars) made payable and mailed to: Francoise Odom, 24 Abbotsford 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, \$2,592.00 (Two Thousand Five Hundred Ninety-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) \$6,480.00 (Six Thousand Four Hundred Eighty Dollars) made payable to Donald Werner, Esquire, 744 Broad Street, Suite 522, Newark, New Jersey 07102.
- (c) \$400.00 (Four Hundred Dollars) made payable to Morris Horwitz, M.D., 175 Cedar Lane, Suite 4, Teaneck, New Jersey 07666.
- (d) \$400.00 (Four Hundred Dollars) made payable to Ana M. Komotar, M.D., 175 Cedar Lane, Suite 4, Teaneck, New Jersey 07666.
- (e) \$150.00 (One Hundred Fifty 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 \$36,838.00 brought by Francoise Odom, 24 Abbotsford Avenue, Newark, New Jersey 07106 and represented by Donald Werner, Esquire, who suffered injuries arising out of an accident that occurred on February 27, 2007 while he was employed as a firefighter for the Newark Fire Department.