



Legislation Details (With Text)

File #: 14-0300 **Version:** 1 **Name:** Workers' Compensation Settlement (Estate of Thomas Burke)
Type: Resolution **Status:** Filed
File created: 3/3/2014 **In control:** Law
On agenda: 4/16/2014 **Final action:** 4/16/2014
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2003-29416
Claimant: Estate of Thomas Burke by Executrix Ann Nunez
Claimant's Attorney: Bagolie Friedman, LLC
Attorney's Address: 648 Newark Avenue, Jersey City, New Jersey 07306
Settlement Amount: \$36,174.00
Funding Source: Insurance Fund Trust Account
Additional Comments:
Invitation: Corporation Counsel, April 15, 2014

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/16/2014	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, the Estate of Thomas Burke by Executrix Ann Nunez, instituted suit in the Division of Workers' Compensation of New Jersey, Essex County, bearing C.P. Number 2003-29416 against the City of Newark seeking workers' compensation benefits as a result of an occupational claim for the petitioner's employment from 1948 through 1986, while working as a Firefighter for the Newark Fire Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Bagolie Friedman, LLC, Corporation Counsel and/or her designee, Chasan Leyner & Lamparello, P.C. ("Outside Counsel") has agreed to amicably resolve and settle this matter under Section 20 of the Workers Compensation Act (N.J.S.A. 34:15-22) by payment in the amount of Thirty-Six Thousand Eighty-Four

Dollars (\$36,084.00). 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 a transcription fee of Ninety Dollars (\$90.00), for a total settlement value of Thirty-Six Thousand One Hundred Seventy-Four Dollars (\$36,174.00); 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 the amount or the 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 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, the Corporation Counsel and/or Outside Counsel deem it is in the best interests of the City of Newark to accept said settlement in the total amount of Thirty-Six Thousand One Hundred Seventy-Four Dollars (\$36,174.00).

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. 2003-29416 is hereby approved.
2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Acting Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:
 - (a) \$28,528.00 (Twenty-Eight Thousand Five Hundred Twenty- Eight Dollars) made payable and mailed to Estate of Thomas Burke by Executrix Ann Nunez, 26 Elliot Trail, Grafton, Massachusetts 01519. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$7,356.00 (Seven Thousand Three Hundred Fifty-Six Dollars) is being subtracted from the Petitioner's award to pay attorney's fees and costs, and \$200.00 (Two Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$7,356.00 (Seven Thousand Three Hundred Fifty-Six Dollars) made payable to Bagolie Friedman, LLC, 648 Newark Avenue, Jersey City, New Jersey 07306.
 - (c) \$200.00 (Two Hundred Dollars) made payable to Malcolm Hermele, M.D., 2333 Morris Avenue, Suite C-7, Union, New Jersey 07083.
 - (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 the Corporation Counsel and/or her 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 \$36,174.00 brought by the Estate of Thomas Burke by Executrix Ann Nunez, 26 Elliot Trail, Grafton, Massachusetts, represented by Bagolie Friedman, LLC, 648 Newark Avenue, Jersey City, New Jersey 07306, who suffered injuries arising out of his occupational exposure while working as a Firefighter for the Newark Fire Department from 1948 to 1986.