



Legislation Details (With Text)

File #: 14-0301 **Version:** 1 **Name:** Workers' Compensation Settlement (Dwayne Bryant)
Type: Resolution **Status:** Filed
File created: 3/4/2014 **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.: 2008-12296
Claimant: Dwayne Bryant
Claimant's Attorney: Kenneth M. Sunberg, P.C.
Attorney's Address: 58 Vose Avenue, South Orange, New Jersey 07079
Settlement Amount: \$ 29,104.00
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, Dwayne Bryant, instituted suit in the Division of Workers' Compensation of New Jersey, Essex County, bearing C.P. Number 2008-12296 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on April 14, 2008, while working as a Firefighter for the Newark Fire Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Kenneth M. Sunberg, P.C., Corporation Counsel and/or their designee, Chasan, Leyner & Lamparello, P.C. ("Outside Counsel") 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-Five Thousand Five Hundred Forty-Eight Dollars (\$25,548.00). 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 Sixty-Six Dollars (\$3,066.00), medical evaluation fees of Four Hundred Dollars (\$400.00) and a transcription fee of Ninety Dollars (\$90.00) for a total settlement amount of Twenty-Nine Thousand One Hundred Four Dollars (\$29,104.00); 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, 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 \$29,104.00 (Twenty-Nine Thousand One Hundred Four Dollars).

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. 2008-12296 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) \$23,105.00 (Twenty-Three Thousand One Hundred Five Dollars) made payable and mailed to Dwayne Bryant, 834 South 16th Street, 2nd Floor, Newark, New Jersey 07108. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,043.00 (Two Thousand Forty-Three 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) \$5,109.00 (Five Thousand One Hundred Nine Dollars) made payable to Kenneth M. Sunberg, P.C., 58 Vose Avenue, South Orange, New Jersey 07079.
 - (c) \$400.00 (Four Hundred Dollars) made payable to Theodora Maio, M.D., Sall/Myers Medical Associates, 100 Hamilton Plaza, 3rd Floor, Paterson, New Jersey 07509.
 - (d) \$400.00 (Four Hundred Dollars) made payable to Cheryl Wong, M.D., Sall/Myers Medical Associates, 100 Hamilton Plaza, 3rd Floor, 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 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, or their 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 \$29,104.00 brought by Dwayne Bryant, 834 South 16th Street, 2nd Floor, Newark, represented by Kenneth M. Sunberg, P.C., who suffered injuries arising out of an accident that occurred on April 14, 2008 while he was working as a Firefighter for the Newark Fire Department.