



Legislation Details (With Text)

File #: 16-0635 **Version:** 1 **Name:** Workers' Compensation Settlement (Jorge Quirola)
Type: Resolution **Status:** Adopted
File created: 4/5/2016 **In control:** Law
On agenda: 5/18/2016 **Final action:** 5/18/2016

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2003-3442
Claimant: Jorge Quirola
Claimant's Attorney: Nicholas Goldblatt
Attorney's Address: 42 Bridge Street, Metuchen, New Jersey 08840
Settlement Amount: \$71,342.50
Funding Source: Insurance Fund Trust
Additional Comments:
Invitation: Corporation Counsel, May 17, 2016

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/18/2016	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Jorge Quirola, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2003-3442 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on January 7, 2003, while working for the Newark Department of Sanitation; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Lester Goldblatt, Corporation Counsel and/or his 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) for 100% permanent total disability orthopedic, neurologic and psychiatric in nature. The initial 450 weeks of the award will constitute a payment of Fifty One Thousand Six Hundred Thirty Four Dollars and Fifty Cents (\$51,634.50). 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 Eighteen Thousand Five Hundred Eighty Eight Dollars and Zero Cents (\$18,588.00), a medical evaluation fee of One Thousand Dollars and Zero Cents (\$1,000.00) and a transcription fee of One Hundred Twenty Dollars (\$120.00) for a total settlement of Seventy One Thousand Three Hundred Forty Two Dollars and Fifty Cents (\$71,342.50); and petitioner will continue to receive benefits at the conclusion of the 450 weeks in accordance with N.J.S.A. 34:15-12 (B) (Lifetime Benefits); 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 amount or distribution at the time the Settlement Agreement is approved and the Order for Total Disability 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 or decreased 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 Seventy One Thousand Three Hundred Forty Two Dollars and Fifty Cents (\$71,342.50).

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. 2003-3442 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) \$46,236.50 (Forty Six Thousand Two Hundred Thirty Six Dollars and Fifty Cents) made payable and mailed to Jorge Quirola 3511 85th Street, Apt. 9K Jackson Heights, New York 11372. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$4,398.00 (Four Thousand Three Hundred Ninety Eight Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$1,000.00 (One Thousand Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$23,786.00 (Twenty Three Thousand Seven Hundred Eighty Six Dollars and Zero Cents) made payable to Law Office of Nicholas Goldblatt 42 Bridge Street Metuchen, New Jersey 08840.

- (c) \$800.00 (Eight Hundred Dollars and Zero cents) made payable to Dr. Nicholas Diamond 1460 Livingston Avenue North Brunswick, New Jersey 08902.
- (d) \$300.00 (Three Hundred Dollars and Zero Cents) made payable to Dr. Vinobha Gooriah 26 Wyckoff Place Franklin Park, New Jersey 08823
- (e) \$100.00 (One Hundred Dollars and Zero Cents) made payable to Dr. Anca Bereanu 401 Floral Vale Boulevard Yardley, Pennsylvania 19067.
- (f) \$120.00 (One Hundred Twenty Dollars and Zero Cents), made payable to William C. O'Brien 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 Business Unit NW024, Dept. ID 24T, Div./Proj. 5T24, Account Code 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.

STATEMENT

This resolution authorizes Corporation Counsel and/or his designee, Chasan Leyner & Lamparello, PC, on behalf of the City of Newark, to effectuate settlement by entering into an Order for Total Disability and lifetime benefits for the settlement of a Workers' Compensation claim brought by Jorge Quirola 3511 85th Street, Apt. 9K, Jackson Heights, New York 11372 and represented by Lester Goldblatt, who suffered injuries arising out of an accident that occurred on January 7, 2003 while he was employed by the Newark Division of Sanitation.