



## Legislation Details (With Text)

**File #:** 16-0884      **Version:** 1      **Name:** Workers' Compensation Settlement (Leroy Brantley)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 5/18/2016      **In control:** Law  
**On agenda:** 6/15/2016      **Final action:** 6/15/2016

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2013-22703  
Claimant: Leroy Brantley  
Claimant's Attorney: Feeley & LaRocca  
Attorney's Address: 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079  
Settlement Amount: \$27,653.00  
Funding Source: Insurance Fund Trust  
Additional Comments:  
Invitation: Corporation Counsel, June 14, 2016.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

| Date      | Ver. | Action By         | Action  | Result |
|-----------|------|-------------------|---------|--------|
| 6/15/2016 | 1    | Municipal Council | Adopted | Pass   |

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**Claimant:** Leroy Brantley

**Claimant's Attorney:** Feeley & LaRocca

**Attorney's Address:** 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079

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**Invitation:** Corporation Counsel, June 14, 2016.

**WHEREAS**, the Petitioner, Leroy Brantley, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2013-22703 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on July 2, 2013 while working for the Finance Department; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Feeley & LaRocca, 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) by payment in the amount of Twenty Four Thousand Three Hundred Eighty Seven Dollars and Zero Cents (\$24,387.00). 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 Two Thousand Nine Hundred Twenty Six Dollars and Zero Cents (\$2,926.00), a medical evaluation fee of Two Hundred Fifty Dollars and Zero Cents (\$250.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty Seven Thousand Six Hundred Fifty Three Dollars and Zero Cents (\$27,653.00); 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 amount or 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 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 Twenty Seven Thousand Six Hundred Fifty Three Dollars and Zero Cents (\$27,653.00).

**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. 2013-22703 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) \$22,186.00 (Twenty Two Thousand One Hundred Eighty Six Dollars and Zero Cents) made payable and mailed to Leroy Brantley, 15 Lenox 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, \$1,951.00 (One Thousand Nine Hundred Fifty One Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$250.00 (Two Hundred Fifty Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
  - (b) \$4,877.00 (Four Thousand Eight Hundred Seventy Seven Dollars and Zero Cents) made payable to Feeley & LaRocca, 76 South Orange Avenue Suite 211 South Orange, New Jersey 07079
  - (c) \$500.00 (Five Hundred Dollars and Zero Cents) made payable to Dr. Michael Cohen, 201 Woolston Drive Morrisville, Pennsylvania 19067

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to State Shorthand Reporting Services, P.O. Box 227 Allenhurst, New Jersey 07711.

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 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 Twenty Seven Thousand Six Hundred Fifty Three Dollars and Zero Cents (\$27,653.00) brought by Leroy Brantey, 15 Lenox Avenue Newark, New Jersey 07106 and represented by Feeley & LaRocca, 76 South Orange Avenue, Suite 211, South Orange, New Jersey 07079, who suffered injuries arising out of an accident that occurred on July 2, 2013 while he was employed by the Finance Department.