



Legislation Details (With Text)

File #: 17-0019 **Version:** 1 **Name:** Workers' Compensation (Terrance Newberry)

Type: Resolution **Status:** Adopted

File created: 1/10/2017 **In control:** Law

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Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2015-8343
Claimant: Terrance Newberry
Claimant's Attorney: Tobin Kessler Greenstein Caruso
Attorney's Address: 136 Central Avenue, Clark, New Jersey 07066
Settlement Amount: \$22,970.00
Funding Source: Insurance Fund Trust
Additional Comments:
Sanitation employee
Invitation: Corporation Counsel, February 28, 2017

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/1/2017	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Terrance Newberry, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2015-8343 against the City of Newark, seeking workers' compensation benefits as a result of an accident that he sustained on August 15, 2014, while working for the Newark Sanitation Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Tobin Kessler Greenstein Caruso, Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, 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

\$20,250.00 (Twenty Thousand Two Hundred Fifty Dollars and Zero Cents). 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 \$2,430.00 (Two Thousand Four Hundred Thirty Dollars and Zero Cents), a medical evaluation fee of \$200.00 (Two Hundred Dollars and Zero Cents) and a transcription fee of \$90.00 (Ninety dollars and Zero Cents); and

WHEREAS, the total value of this settlement with the fees referenced above amounts to \$22,970.00 (Twenty Two Thousand Nine Hundred Seventy Dollars and Zero Cents); 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 interest of the City of Newark to accept said settlement in the total amount of \$22,970.00 (Twenty Two Thousand Nine Hundred Seventy Dollars and Zero Cents).

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. 2015-8343 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) \$18,430.00 (Eighteen Thousand Four Hundred Thirty Dollars and Zero Cents) made payable and mailed to: Terrance Newberry P.O. Box 2285 Newark, New Jersey 07114. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$1,620.00 (One Thousand Six Hundred Twenty Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$200.00 (Two Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$4,050.00 (Four Thousand Fifty Dollars and Zero Cents) made payable to Tobin Kessler Greenstein Caruso, 136 Central Avenue, Clark, New Jersey 07066.
 - (c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Morris Horwitz, 175 Cedar Lane Teaneck, New Jersey 07666.
 - (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 states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove and which states that the line appropriation of the official budget which shall be charged is 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 the Corporation Counsel or his designee, Chasan Lamparello Mallon & Cappuzzo, 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 \$22,970.00 (Twenty Two Thousand Nine Hundred Seventy Dollars and Zero Cents) brought by Terrance Newberry who suffered injuries arising out of an accident that occurred on August 15, 2014 while he was employed by the Sanitation Department.