



## Legislation Details (With Text)

**File #:** 17-0025      **Version:** 1      **Name:** Workers' Compensation (Omar Diaz)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/10/2017      **In control:** Law  
**On agenda:** 3/1/2017      **Final action:** 3/1/2017

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2014-24770  
Claimant: Omar Diaz  
Claimant's Attorney: Law Office of Rose Marie Sardo, P.C..  
Attorney's Address: 134 Wilson Avenue, Newark, New Jersey 07105  
Settlement Amount: \$30,616.00  
Funding Source: Insurance Fund Trust  
Additional Comments:  
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, Omar Diaz, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-24770 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on February 18, 2014, while working for the Newark Police Department; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Rose Marie Sardo, P.C., Corporation Counsel and/or his designee, Chasan Lamparello, Mallon & Cappuzzo, 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 Six Thousand Nine Hundred Sixteen Dollars and Zero Cents (\$26,916.00). 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 Two Hundred Ten Dollars and Zero Cents (\$3,210.00), a medical evaluation fee of Four Hundred Dollars and Zero Cents (\$400.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Thirty Thousand Six Hundred Sixteen Dollars and Zero Cents (\$30,616.00); 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 interests of the City of Newark to accept said settlement in the total amount of Thirty Thousand Six Hundred Sixteen Dollars (\$30,616.00).

**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. 2014-24770 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) \$24,376.00 (Twenty Four Thousand Three Hundred Seventy- Six Dollars and Zero Cents) made payable and mailed to: Omar Diaz 71 Belmoir Street Belleville, New Jersey 07109. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,140.00 (Two Thousand One Hundred Forty Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$400.00 (Four Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
  - (b) \$5,350.00 (Five Thousand Three Hundred Fifty Dollars and Zero Cents) made payable to Law Office of Rose Marie Sardo, P.C., 134 Wilson Avenue Newark, New Jersey 07105
  - (c) \$800.00 (Eight Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to State Shorthand Reporting, 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 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 r 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 \$30,616.00 (Thirty Thousand Six Hundred Sixteen Dollars and Zero Cents), brought by Omar Diaz, 71 Belmohr Street, Belleville, New Jersey 07109 and represented by the Law Office of Rose Marie Sardo, P.C. who suffered injuries arising out of an accident that occurred on February 18, 2014, while he was employed by the Newark Police Department.