



Legislation Details (With Text)

File #: 17-0332 **Version:** 1 **Name:** 2016 Port Authority Grant Cash Match
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Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2015-14530
Claimant: Marion Battle
Claimant's Attorney: Lord, Kobrin, Alvarez & Fattell, LLC.
Attorney's Address: 1283 Route 22, East Mountainside, New Jersey 07092
Settlement Amount: \$28,654.32
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel, April 4, 2017

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/5/2017	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Marion Battle, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2015-14530 against the City of Newark seeking workers' compensation benefits as a result of being in a motor vehicle accident where he sustained injuries to his neck and back on April 22, 2015, while employed as a laborer for the Parks and Grounds Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Anthony Fattell, Esq. from the law office of Lord, Kobrin, Alvarez & Fattell, LLC. and Corporation Counsel and/or his designee, The Woolridge Law Firm LLC. ("Outside Counsel") have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-20) by payment in the amount of Twenty-Five Thousand Two Hundred and Thirty-Six Dollars and Zero Cents

(\$25,236.00). 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 Twenty Eight Dollars and Thirty-Two Cent (\$3,028.32), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Michael Cohen, and a medical evaluation fee and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty-Eight Thousand Six Hundred and Fifty-Four Dollars and Thirty-Two Cents (\$28,654.32); 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-Eight Thousand Six Hundred and Fifty-Four Dollars and Thirty-Two Cents (\$28,654.32).

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. 2015-14530 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) \$22,917.12 (Twenty-Two Thousand Nine Hundred Seventeen Dollars and Twelve Cents) made payable and mailed to Marion Battle, 469 Elizabeth Avenue,. Apt. 304, Newark, New Jersey 07112. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,018.88. (Two Thousand Eighteen Dollars and Eighty Eight Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$300.00 (Three Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$5,047.20 (Five Thousand Forty-Seven Dollars and Twenty Cents) made payable to Lord, Kobrin, Alavarez & Fattell, LLC, 1283 Route 22 East, Mountainside, New Jersey 07092.
 - (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Michael Cohen,

M.D., 1460 Livingston Avenue #400, North Brunswick, New Jersey 08902

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien Associates, 525 Boulevard, 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 NW024, Dept.ID 24T, Div./Proj. 5T24, Account Code 96310. A copy of the Comptroller's certifications shall be filed by the Acting Corporation Counsel in the Office of the City Clerk along with a copy of this Resolution.

STATEMENT

This resolution authorizes the Acting Corporation Counsel and/or his designee, The Woolridge Law Firm LLC., 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 \$28,654.32 (Twenty Eight Thousand Six Hundred Fifty-Four Dollars and Thirty Two Cents) brought by Marion Battle, 469 Elizabeth Avenue, Apt. 304, Newark, New Jersey 07112 and represented by Lord, Kobrin, Alavarez & Fattell, LLC., who suffered injuries arising out of an accident that occurred on April 22, 2015 while he was employed by the City of Newark.