



Legislation Details (With Text)

File #: 18-0968 **Version:** 1 **Name:** Workers' Compensation Settlement (Termain Calloway)
Type: Resolution **Status:** Adopted
File created: 6/18/2018 **In control:** Law
On agenda: 9/6/2018 **Final action:** 9/6/2018
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2017-11949
Claimant: Termain Calloway
Claimant's Attorney: Craner Satkin Scheer Schwartz & Hanna
Attorney's Address: 320 Park Avenue, P.O. Box 367, Scotch Plains, New Jersey 07076
Settlement Amount: \$33,957.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel
Sponsors: Council of the Whole
Indexes:
Code sections:

Date	Ver.	Action By	Action	Result
9/6/2018	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Termain Calloway, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2017-11949 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on July 27, 2016, while working for the City of Newark Department of Public Works, Division of Sanitation, while he was lifting garbage; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Craner Satkin Scheer Schwartz & Hanna, Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C., ("Outside Counsel") the Parties 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 \$29,970.00 (Twenty-Nine Thousand Nine Hundred Seventy 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 \$3,597.00 (Three Thousand Five Hundred Ninety-Seven Dollars and Zero Cents), medical evaluation fee of \$300.00 (Three 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 above referred to fees amounts to \$33,957.00 (Thirty-Three Thousand Nine Hundred Fifty-Seven Dollars and Zero Cents); 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 \$33,957.00 (Thirty-Three Thousand Nine Hundred Fifty-Seven 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. 2017-11949 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) \$27,273.00 (Twenty-Seven Thousand Two Hundred Seventy-Three Dollars and Zero Cents) made payable and mailed to Terman Calloway, 31 Tichenor Street, Apt. 1B, Newark, New Jersey 07102. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,397.00 (Two Thousand Three Hundred Ninety-Seven Dollars and Zero 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) \$5,994.00 (Five Thousand Nine Hundred Ninety-Four Dollars and Zero Cents) made payable to Craner Satkin Scheer Schwartz & Hanna, 320 Park Avenue, P.O.

Box 367 Scotch Plains, New Jersey 07076.

(c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, PO Box 2947, Paterson, New Jersey 07509.

(d) \$90.00 (One Hundred Twenty Five Dollars and Zero Cents), made payable to William C. O' Brien & Associates, 525 Boulevard, 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.

4. A fully executed copy of the Order Approving Settlement shall be filed in the Office of the City Clerk by the Corporation Counsel.

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 \$33,957.00 brought by Termain Calloway, for injuries he sustained while employed by the Department of Public Works, Division of Sanitation.