



Legislation Details (With Text)

File #: 18-1841 **Version:** 1 **Name:** Workers Compensation Settlement - Lovie Gibson
Type: Resolution **Status:** Adopted
File created: 11/29/2018 **In control:** Law
On agenda: 3/20/2019 **Final action:** 3/20/2019

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2013-11406
Claimant: Lovie Gibson
Claimant's Attorney: Lord, Kobrin, Alvarez & Fattell
Attorney's Address: 1283 Route 22 East, Mountainside, New Jersey 07092
Settlement Amount: \$83,248.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/20/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Lovie Gibson, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2013-11406 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on June 26, 2012, while working for the City of Newark Division of Sanitation, when he injured his lumbar spine while picking up garbage and slipping on debris; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Lord Kobrin Alvarez & Fattell, 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 (\$73,980.00)

Seventy-Three Thousand Nine Hundred Eighty 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 (\$8,878.00) Eight Thousand Eight Hundred Seventy-Eight 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 (\$83,248.00) Eighty Three Thousand Two Hundred Forty Eight 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 -(\$83,248.00) Eighty Three Thousand Two Hundred Forty Eight 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. 2013-11406 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) \$67,762.00 (Sixty-Seven Thousand Seven Hundred Sixty-Two Dollars and Zero Cents) made payable and mailed to Lovie Gibson, 45 Freeman Avenue, Apt. A, East Orange, New Jersey 07018. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$5,918.00 (Five Thousand Nine Hundred Eighteen 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) \$14,796.00 (Fourteen Thousand Seven Hundred Ninety-Six Dollars and Zero Cents) made payable to Lord Kobrin Alvarez & Fattell, 1283 Route 22 East, Mountainside, New Jersey 07092.

(c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Arthur Becan, 201 Woolston Drive, Morrisville, Pennsylvania 19067.

(d) \$90.00 (Ninety 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 024, 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 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 \$83,248.00, brought by Lovie Gibson, for injuries he sustained while employed by the City of Newark, Division of Sanitation.