



Legislation Details (With Text)

File #: 18-1332 **Version:** 1 **Name:** Workers Compensation Settlement - Eddie Russell
Type: Resolution **Status:** Adopted
File created: 8/15/2018 **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.: 2015-27960
Claimant: Eddie Russell
Claimant's Attorney: Forman, Cardonsky & Lawrence, LLC.
Attorney's Address: 701 Westfield Avenue, Elizabeth, New Jersey 07208
Settlement Amount: \$23,021.50
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

Dept/ Agency: Law

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WHEREAS, the Petitioner, Eddie Russell, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2015-27960 against the City of Newark seeking workers' compensation benefits due to injuries to his right hand and right elbow while doing repetitive heavy lifting on April 22, 2015 while employed by the City of Newark, Department of Public Works, Division of Sanitation; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Forman, Cardonsky & Lawrence, 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- Thousand Two Hundred Six Dollars and Fifty Cents (\$20,206.50). 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 Two Thousand Four Hundred Twenty-Five Dollars and Zero Cents (\$2,425.00), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Morris Horwitz, and a transcription fee of Ninety Dollars (\$90.00) for a total settlement of Twenty-Three Thousand Twenty One Dollars and Fifty Cents (\$23,021.50); 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, 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 Twenty Three Thousand Twenty One Dollars and Fifty Cents (\$23,021.50).

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. 2015-27960 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) \$18,289.98 (Eighteen Thousand Two Hundred Eighty Nine Dollars and Ninety Eight Cents) made payable and mailed to Eddie Russell, 80 Court Street, Apt. 3A, 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, \$1,616.52 (One Thousand Six Hundred Sixteen Dollars and Fifty-Two Cents 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) \$2,425.00 (Two Thousand Four Hundred Twenty-Five Dollars and Zero Cents) made payable to Forman, Cardonsky & Lawrence, LLC, 701 Westfield Avenue, Elizabeth, New Jersey 07208
 - (c) \$300.00 (Three 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 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 Business 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, 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 \$23,021.50 brought by Eddie Russell who suffered injuries on April 22, 2015, while employed by the City of Newark, Department of Public Works, Division of Sanitation.