



## Legislation Details (With Text)

**File #:** 18-1686      **Version:** 1      **Name:** Workers' Compensation Settlement - Richard Weber  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/25/2018      **In control:** Law  
**On agenda:** 4/17/2019      **Final action:** 4/17/2019  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2014-34179  
Claimant: Richard Weber  
Claimant's Attorney: Nicholas P. Scutari, Esq.  
Attorney's Address: 1508 E St. George Avenue, Linden, New Jersey 07036  
Settlement Amount: \$31,879.20  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Corporation Counsel  
**Sponsors:** Council of the Whole  
**Indexes:**  
**Code sections:**

Date	Ver.	Action By	Action	Result
4/17/2019	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Petitioner, Richard Weber, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-34179 against the City of Newark seeking workers' compensation benefits for injuries he sustained resulting from a motor vehicle accident on November 18, 2013, while working for the City of Newark, Department of Public Safety, Police Division; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Nicholas P. Scutari, Esq, 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

(\$31,879.20) Thirty-One Thousand Eight Hundred Seventy-Nine Dollars and Twenty 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 (\$3,402.00) Three Thousand Four Hundred Two 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 (\$31,879.20) Thirty-One Thousand Eight Hundred Seventy-Nine Dollars and Twenty 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 (\$31,879.20) Thirty-One Thousand Eight Hundred Seventy-Nine Dollars and Twenty 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. 2014-34179 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) \$26,119.20 (Twenty-Six Thousand One Hundred Nineteen Dollars and Twenty Cents) made payable and mailed to Richard Weber, 8 Glenview Road, North Caldwell, New Jersey 07006. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,268.00 (Two Thousand Two Hundred Sixty- Eight Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees.
  - (b) \$5,670.00 (Five Thousand Six Hundred Seventy Dollars and Zero Cents) made payable to Nicholas P. Scutari, Esq., 1508 E St. George Avenue, Linden, New Jersey 07036.
  - (c) \$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 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 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 \$31,879.20, brought by Richard Weber, for injuries he sustained while employed by the Newark Police Department.