



Legislation Details (With Text)

File #: 19-0311 **Version:** 1 **Name:** Workers Compensation Settlement - Elizabeth Loneker
Type: Resolution **Status:** Adopted
File created: 2/19/2019 **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.: 2015-2010
Claimant: Elizabeth Loneker
Claimant's Attorney: Rothenberg, Rubenstein, Berliner & Shinrod
Attorney's Address: 70 South Orange Avenue, Suite 205, Livingston, New Jersey 07039
Settlement Amount: \$27,882.00
Funding Source: Insurance Fund Commission
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, Police Officer Elizabeth Loneker, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2015-2010 against the City of Newark seeking workers' compensation benefits as a result of an accident that she sustained on December 9, 2014, while working for the City of Newark, Department of Public Safety, Police Division when she injured her lumbar spine, left shoulder and left hip; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Rothenberg Rubenstein Berliner & Shinrod, Corporation Counsel and/or Chasan Lamparello Mallon & Cappuzzo ("Outside Counsel") has 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 Twenty-Four Thousand

Seventeen Dollars and Zero Cents (\$24,017.00). 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's fee of Three Thousand Four Hundred Seventy-Five Dollars and Zero Cents (\$3,475.00), medical evaluation fee in the amount of Three Hundred Dollars and Zero Cents (\$300.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to Twenty-Seven Thousand Eight Hundred Eighty-Two Dollars and Zero Cents (\$27,882.00); 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 \$27,882.00 (Twenty-Seven Thousand Eight Hundred Eighty-Two Dollars); 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

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. 2015-2010 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) \$21,796.00 (Twenty-One Thousand Seven Hundred Ninety-Six Dollars and Zero Cents) made payable and mailed to Elizabeth Loneker, 105 Baldwin Avenue, Belleville, New Jersey 07109. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$1,921.00 (One Thousand Nine Hundred Twenty-One Dollars and Zero Cents) and \$300.00 (Three Hundred Dollars and Zero Cents) are being subtracted from the Petitioner's award to pay attorney's fees and medical fees in accordance with the settlement provisions.
 - (b) \$5,996.00 (Five Thousand Nine Hundred Ninety-Six Dollars and Zero Cents) made payable to Rothenberg Rubenstein Berliner & Shinrod, 70 South Orange Avenue, Suite 205, Livingston, New Jersey 07039.
 - (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 is the Certification of the Comptroller of the City of Newark which states 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 Fund NW024, Dept. ID 24T, Div./ Proj. 5T24, Account Code 96310. A copy of the Comptroller's certification 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 \$27,882.00 brought by Police Officer Elizabeth Loneker, who suffered injuries arising out of an accident that occurred on December 9, 2014.