



## Legislation Details (With Text)

**File #:** 19-0520      **Version:** 1      **Name:** Workers Compensation Settlement - Lenn Gardner  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/21/2019      **In control:** Law  
**On agenda:** 6/6/2019      **Final action:** 6/6/2019

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2016-27521  
Claimant: Lenn Gardner  
Claimant's Attorney: Rothenberg, Rubenstein, Berliner & Shinrod, LLC  
Attorney's Address: 70 South Orange Avenue, Suite 205, Livingston, New Jersey 07039  
Settlement Amount: \$43,432.00  
Funding Source: Insurance Fund Commission  
Additional Comments:  
Invitation: Corporation Counsel

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/6/2019	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Law

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Purpose:** Settlement of Workers' Compensation Claim

**C.P. No.:** 2016-27521

**Claimant:** Lenn Gardner

**Claimant's Attorney:** Rothenberg, Rubenstein, Berliner & Shinrod, LLC

**Attorney's Address:** 70 South Orange Avenue, Suite 205, Livingston, New Jersey 07039

**Settlement Amount:** \$43,432.00

**Funding Source:** Insurance Fund Commission

**Additional Comments:**

**Invitation:** Corporation Counsel

**WHEREAS**, the Petitioner, Lenn Gardner, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2016-27521 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on September 24, 2014, while working for the City of Newark, Department of Water and Sewer Utilities he suffered a compensable injury to his left shoulder; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Rothenberg Rubenstein Berliner & Shinrod, Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C., ("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 Thirty-Eight Thousand Four Hundred Thirty Dollars and Zero Cents (\$38,430.00). 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 Four Thousand Six Hundred Twelve Dollars and Zero Cents (\$4,612.00), medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00), 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 Forty -Three Thousand Four Hundred Thirty-Two Dollars and Zero Cents (\$43,432.00); 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, Acting 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 Forty-Three Thousand Four Hundred Thirty-Two Dollars and Zero Cents (\$43,432.00).

**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. 2016-27521 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) \$35,056.00 (Thirty-Five Thousand Fifty-Six Dollars and Zero Cents) made payable and mailed to Lenn Gardner, 174 Washington Street, Bloomfield, New Jersey 07003. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$3,074.00 (Three Thousand Seventy-Four 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) \$8,286.00 (Eight Thousand Two Hundred Eighty-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 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.

4. The Corporation Counsel shall file a copy of the Comptroller's Certification in the Office of the City Clerk along with a copy of this Resolution.

5. 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 \$43,432.00 brought by Lenn Gardner, for injuries he sustained while employed by the City of Newark, Department of Water and Sewer Utilities.