



## Legislation Details (With Text)

**File #:** 19-1044      **Version:** 1      **Name:** Workers' Compensation Settlement - Keith Godfrey  
**Type:** Resolution      **Status:** Adopted  
**File created:** 6/24/2019      **In control:** Law  
**On agenda:** 8/7/2019      **Final action:** 8/7/2019

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2010-9263  
Claimant: Keith Thomas Godfrey  
Claimant's Attorney: Friedman Friedman & Scherma, P.A.  
Attorney's Address: Nine Commerce Street, Newark, New Jersey 07102-3901  
Settlement Amount: \$60,779.72  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Corporation Counsel

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
8/7/2019	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Petitioner, Keith Thomas Godfrey, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2010-9263 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on March 22, 2010 while working for the City of Newark, Department of Public Works, Sanitation Division, when he injured his right shoulder; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Friedman Friedman & Scherman, P.A., Corporation Counsel and/or 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 \$51,434.72 (Fifty-One Thousand Four Hundred Thirty-Four Dollars and Seventy-Two 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 \$8,820.00 (Eight Thousand Eight Hundred Twenty Dollars and Zero Cents), medical evaluation fee in the amount of \$400.00 (Four Hundred Dollars and Zero Cents) and a transcription fee of \$125.00 (One Hundred Twenty-Five dollars); and

**WHEREAS**, the total value of this settlement with the above referred fees amounts to \$60,779.72 (Sixty Thousand Seven Hundred Seventy-Nine Dollars and Seventy-Two Cents); 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 \$60,779.72 (Sixty Thousand Seven Hundred Seventy-Nine Dollars and Seventy-Two Cents). The City will have realized significant savings due to the Social Security offset and Second Injury Fund Contribution in the amount of two-thirds of permanent and total disability (300 weeks) and thereafter lifetime benefits in accordance with N.J.S.A 34:15-12 (b).

**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. 2010-9263 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) \$46,910.72 (Forty-Six Thousand Nine Hundred Ten Dollars and Seventy-Two Cents) made payable and mailed to Keith Thomas Godfrey, 18 Taylor Street, 1<sup>st</sup> floor Newark, New Jersey 07104. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$4,124.00 (Four Thousand One Hundred Twenty-Four Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees and \$400.00 (Four Hundred Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay for medical fees in accordance with the settlement provisions.
  - (b) \$12,944.00 (Twelve Thousand Nine Hundred Forty-Four Dollars and Zero Cents) made payable to Friedman Friedman & Scherman, P.A., 9 Commerce Street, Newark, New Jersey 07102.
  - (c) \$800.00 (Eight Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.
  - (d) \$125.00 (One Hundred Twenty-Five 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 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 \$60,779.72 (Sixty Thousand Seven Hundred Seventy-Nine Dollars Seventy-Two Cents) brought by Keith Thomas Godfrey, who suffered injuries arising out of an accident that occurred on March 22, 2010 while he was working for the City of Newark, Department of Public Works, Sanitation Division.