



## Legislation Details (With Text)

**File #:** 19-0989      **Version:** 1      **Name:** Worker's Compensation Settlement - Derrick Gully  
**Type:** Resolution      **Status:** Adopted  
**File created:** 6/11/2019      **In control:** Law  
**On agenda:** 9/10/2019      **Final action:** 9/10/2019

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2017-26093  
Claimant: Derrick Gully  
Claimant's Attorney: Rothenberg Rubenstein Berliner & Shinrod  
Attorney's Address: 70 South Orange Avenue, Suite 205, Livingston, New Jersey 07039  
Settlement Amount: \$44,877.00  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Corporation Counsel

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/10/2019	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Petitioner, Derrick Gully, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2017-26093 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on October 16, 2016, while working for the City of Newark as a Laborer in the Department of Water and Sewer Utilities; 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 \$39,720.00 (Thirty-Nine Thousand Seven Hundred Twenty Dollars and Zero 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 \$4,767.00 (Four Thousand Seven Hundred Sixty-Seven Dollars and Zero Cents), medical fee of \$300.00 (Three Hundred 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 \$44,877.00 (Forty-Four Thousand Eight Hundred Seventy-Seven Dollars and Zero 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 \$44,877.00 (Forty-Four Thousand Eight Hundred Seventy-Seven Dollars and Zero 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. 2017- 26093 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) \$36,243.00 (Thirty-Six Thousand Two Hundred Forty-Three Dollars and Zero Cents) made payable and mailed to Derrick Gully, 95 Vassar Avenue, Newark, New Jersey 07112. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation \$3,177.00 (Three Thousand One Hundred Seventy-Seven 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) \$7,944.00 (Seven Thousand Nine Hundred Forty-Four Dollars and Zero Cents) made payable to Rothenberg Rubenstein Berliner & Shinrod, 70 South Orange Avenue, Suite 205, Livingston, New Jersey 07039.

(c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Sall Myers Medical Associates P.O. Box 2947 Paterson, New Jersey 07509.

(d) \$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 Unit 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 \$44,877.00 (Forty-Four Thousand Eight Hundred Seventy-Seven Dollars and Zero Cents), brought by Derrick Gully, for injuries he sustained while employed by the City of Newark as a Laborer in the Department of Water and Sewer Utilities.