



## Legislation Details (With Text)

**File #:** 19-1527      **Version:** 1      **Name:** Worker's Comp - Shawn Cummings  
**Type:** Resolution      **Status:** Adopted  
**File created:** 9/25/2019      **In control:** Law  
**On agenda:** 11/7/2019      **Final action:** 11/7/2019

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation Claim  
C.P. No.: 2017-9649  
Claimant: Shawn Cummings  
Claimant's Attorney: James Dezao, P.A.  
Attorney's Address: 322 Route 46 West, Suite 120, Parsippany, New Jersey 07054  
Settlement Amount: \$45,176.40  
Funding Source: Insurance Trust Fund  
Additional Comments:  
Invitation: Corporation Counsel

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/7/2019	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Petitioner instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2017-9649 against the City of Newark seeking workers' compensation benefits due to an injury sustained to the left shoulder after throwing heavy trash, overhead, into the garbage truck, on August, 1, 2016, while employed as a Laborer by the City of Newark, Department of Public Works, Division of Sanitation; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, James Dezao, P.A., and Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("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. 34:15-20) by payment in the amount of Thirty-Nine Thousand Seven Hundred Twenty Dollars and Zero Cents (\$39,720.00). 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 Seven Hundred Sixty-Six Dollars and Forty Cents (\$4,766.40), a medical evaluation fee to Dr. Vijaykumar Kulkarni for Three Hundred Dollars and Zero Cents (\$300.00), a medical evaluation fee to Dr. Cheryl Wong for Three Hundred Dollars and Zero Cents (\$300.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), to William C. O'Brien & Associates for a total settlement of Forty-Five Thousand One Hundred Seventy-Six Dollars and Forty Cents (\$45,176.40); 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, the 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-Five Thousand One Hundred Seventy-Six Dollars and Forty Cents (\$45,176.40).

**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. 2017-9649 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) \$35,942.40 (Thirty-Five Thousand Nine Hundred Forty-Two Dollars and Forty Cents) made payable and mailed to Shawn Cummings, 49 North 13th Street, Newark, New Jersey 07107. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$3,177.60 (Three Thousand One Hundred Seventy-Seven Dollars and Sixty Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$600.00 (Six 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 Law Offices of James C. Dezao P.A., 322 Route 46 West, Suite 120, Parsippany, New Jersey 07054.

- (c) \$600.00 (Six Hundred Dollars and Zero Cents) medical evaluation fee made payable to Dr. Cheryl Wong, 100 Hamilton Plaza, 3<sup>rd</sup> Floor, Paterson, New Jersey 07505.
  - (d) \$600.00 (Six Hundred Dollars and Zero Cents) medical evaluation fee made payable to Dr. Vijaykumar Kulkarni, 100 Hamilton Plaza, 3<sup>rd</sup> Floor, Paterson, New Jersey 07505.
  - (e) \$90.00 (Ninety Dollars and Zero Cents), made payable to William O'Brien & Associates, 525 Boulevard, 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.
4. 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.
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 Corporation Counsel or his designee, The Woolridge Law Firm LLC, 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 \$45,176.40, brought by Shawn Cummings, 49 North 13th Street, Newark, New Jersey 07107; for injuries he sustained on August 1, 2016, while employed as a Laborer by the City of Newark, Department of Public Works, Division of Sanitation.