



Legislation Details (With Text)

File #: 20-0070 **Version:** 1 **Name:** Worker's Compensation - Johnnie Bell
Type: Resolution **Status:** Adopted
File created: 1/13/2020 **In control:** Law
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Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2017-19090
Claimant: Johnnie Bell, Jr.
Claimant's Attorney: Epstein Law Firm, P.A.
Attorney's Address: 340 West Passaic Street, Rochelle Park, New Jersey 07662
Settlement Amount: \$46,186.80
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
2/5/2020	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Johnnie Bell Jr., instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2017-19090 against the City of Newark seeking workers' compensation benefits as a result of a May 8, 2017 injury to his left shoulder while installing a battery, during the course of his employment as a mechanic with the Department of Public Works; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Epstein Law Firm, P.A., and the 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 Forty Thousand Eight Hundred Ninety Dollars and Zero Cents (\$40,890.00); and

WHEREAS, 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 Nine Hundred Six Dollars and Eighty Cents (\$4,906.80), made payable to Epstein Law Firm, P.A., 340 West Passaic Street, Rochelle Park, New Jersey 07662, a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00), payable to Dr. Vijaykumar Kulkarni, M.D., 100 Hamilton Plaza, Third Floor, Paterson, New Jersey 07509, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), made payable to William O'Brien & Associates, Inc., 525 Boulevard, Kenilworth, New Jersey 07033, for a total settlement of Forty-Six Thousand One Hundred Eighty-Six Dollars and Eighty Cents (\$46,186.80); 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 Corporation Counsel 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-Six Thousand One Hundred Eighty-Six Dollars and Eighty Cents (\$46,186.80).

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. 2017-19090 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) \$37,318.80 (Thirty-Seven Thousand Three Hundred Eighteen Dollars and Eighty Cents), made payable and mailed to Johnnie Bell Jr., 346 South 10th Street, Newark, New Jersey 07103, (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$3,271.20 (Three Thousand Two Hundred Seventy-One Dollars and Twenty 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 evaluation in accordance with the settlement provisions);
 - (b) \$8,178.00 (Eight Thousand One Hundred Seventy-Eight Dollars and Zero Cents) made

payable to Epstein Law Firm, P.A., 340 West Passaic Street, Rochelle Park, New Jersey 07662;

(c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Vijaykumar Kulkarni, 100 Hamilton Plaza, Third Floor, Paterson, New Jersey 07509;

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C O'Brien Associates Inc., 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 states 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. The Corporation Counsel shall file a fully executed copy of the Order Approving Settlement with the Office of the City Clerk.

STATEMENT

This resolution authorizes the 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 \$46,186.80; brought by Johnnie Bell Jr., who sustained injuries on May 8, 2017, while employed as a mechanic by the Department of Public Works.