



Legislation Details (With Text)

File #: 23-0004 **Version:** 1 **Name:** 23-0004 Kevin Flanagan
Type: Resolution **Status:** Adopted
File created: 1/3/2023 **In control:** Law
On agenda: 1/18/2023 **Final action:** 1/18/2023
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2013-25004
Claimant: Kevin Flanagan
Claimant's Attorney: Rubenstein, Berline and Shinrod, 70 South Orange Avenue, Suite 205,
Livingston, New Jersey 07039
Settlement Amount: \$78,776.00
Funding Source: Business Unit NW024, Dept. 24T, Division 5T24, Account #96310, Budget Ref.
B2022
Additional Comments:
Sponsors: Council of the Whole
Indexes:
Code sections:

Date	Ver.	Action By	Action	Result
1/18/2023	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Kevin Flanagan, instituted suit in the Division of Workers Compensation of New Jersey, Morris County, bearing C.P. Number 2013-25004 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on November 3, 2011 while working for the City of Newark Fire Department when he injured his left shoulder; and

WHEREAS, following settlement negotiations through Petitioner's attorney, 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 \$70,002.00 (Seventy Thousand Two 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 \$8,400.00 (Eight Thousand Four Hundred Dollars and Zero Cents), medical evaluation fee of \$300.00 (Three Hundred Dollars and Zero Cents) and a transcription fee of \$74.00 (Seventy-Four Dollars and Zero Cents); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to \$78,776.00 (Seventy-Eight Thousand Seven Hundred Seventy- Six 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 \$78,776.00 (Seventy-Eight Thousand Seven Hundred Seventy-Six 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. 2013-25004 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) \$64,102.00 (Sixty-Four Thousand One Hundred Two Dollars and Zero Cents) made payable and mailed to Kevin Flanagan, 1919 SE 10th Avenue 3137, Fort Lauderdale, Florida 33316. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$5,600.00 (Five Thousand Six Hundred 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) \$14,000.00 (Fourteen Thousand Dollars and Zero Cents) made payable to 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, 100 Hamilton Plaza, Suite 317, Paterson, New Jersey 07501.

(d) \$74.00 (Seventy-Four Dollars and Zero Cents), made payable to Guy J. Renzi & Associates, 2277 State Highway 33, Suite 410, Trenton, New Jersey 08690.

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 024, 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 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 \$78,776.00 (Seventy-Eight Thousand Seven Hundred Seventy Six Dollars and Zero Cents) brought by Kevin Flanagan, for injuries he sustained while employed by the Fire Department, in the City of Newark.