



Legislation Details (With Text)

File #: 23-0032 **Version:** 1 **Name:** 23-0032 RAFAEL ROSA
Type: Resolution **Status:** Adopted
File created: 1/6/2023 **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.: 2019-600
Claimant: Rafael Rosa
Claimant's Attorney: Lloyd E. Bennett, Esq., of the Law Offices of Lloyd E. Bennett, 4713 Bergenline Avenue, Union City, New Jersey 07087
Settlement Amount: \$60,146.00
Funding Source: Business Unit NW024, Dept. 24T, Div./Proj. 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

Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2019-600
Claimant: Rafael Rosa
Claimant's Attorney: Lloyd E. Bennett, Esq., of the Law Offices of Lloyd E. Bennett, 4713 Bergenline Avenue, Union City, New Jersey 07087
Settlement Amount: \$60,146.00
Funding Source: Business Unit NW024, Dept. 24T, Div./Proj. 5T24, Account #96310, Budget Ref. B2022
Additional Comments:

WHEREAS, the Petitioner, Rafael Rosa, instituted suit in the Division of Workers Compensation of the State of New Jersey, County of Essex, bearing C.P. Number 2019-600 against the City of Newark seeking Workers' Compensation benefits as a result of injuries alleged on May 21, 2018, when the horse petitioner was riding suddenly reared up after hearing a loud noise, causing the animal and the petitioner to both stumble and fall to the ground while employed by the City of Newark, Department of Public Safety; and

WHEREAS, the following settlement negotiations through Petitioner's attorney, Lloyd E. Bennett, Esq., of the Law Offices of Lloyd E. Bennett and Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel") 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 Fifty-Three Thousand One Hundred Dollars and Zero Cents (\$53,100.00). Pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers' Compensation and the City of Newark who will also pay an attorney's fee of Six Thousand Three Hundred and Seventy-Two Dollars and Zero Cents, (\$6,372.00) made payable to Lloyd E. Bennett of The Law Offices of Lloyd E. Bennett, Esq., located at 4713 Bergenline Avenue, Union City, New Jersey 07087, a medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00), payable to Dr. Steven Dane, M.D., 100 Hamilton Plaza, Paterson New Jersey 07505; and a medical examination fee of Six Hundred Dollars (\$600.00) made payable to Dr. Theodora Maio, M.D., located at 100 Hamilton Plaza, Paterson, New Jersey 07505; and a stenographic transcription fee of Seventy-Four Dollars (\$74.00) made payable to Guy Renzi & Associates, Inc., 2277 State Highway #33 Suite 410 Trenton, New Jersey 08690 for a total settlement of Sixty Thousand One Hundred Forty-Six Dollars and Zero Cents (\$60,146.00); 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 Sixty Thousand One Hundred Forty-Six Dollars and Zero Cents (\$60,146.00).

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. 2019-600 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) \$48,252.00 (Forty-Eight Thousand Two Hundred Fifty-Two Dollars and Zero Cents) made payable and mailed to: Rafael Rosa, 819 Prospect Street, Roselle Park, New Jersey 07204 (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, (\$4,248.00) Four Thousand Two Hundred Forty-Eight Dollars 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) \$10,620.00 (Ten Thousand Six Hundred Twenty Dollars and Zero Cents) made payable to The Law Offices of Lloyd E. Bennett, Esq., 4713 Bergenline Avenue, Union City, New Jersey 07087;
- (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Steven Dane, M.D., 100 Hamilton Plaza, Paterson, New Jersey 07505;
- (d) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Theodora Maio, M.D., 100 Hamilton Plaza, Paterson, New Jersey 07505;
- (e) \$74.00 (Seventy-Four Dollars), made payable to Guy Renzi & Associates Inc., 2277 State Highway #33, Suite 410, Trenton, New Jersey 08690

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.

- 3. 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 and/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 \$60,146.00 brought by Rafael Rosa and represented by Attorney, Lloyd E Bennett, Esq., of The Law Offices of Lloyd E. Bennett, Esq., 4713 Bergenline Avenue, Union City, New Jersey 07087, who suffered injuries on May 21, 2018, while employed by the City of Newark's Department of Public Safety, Division of Police, as a Police Officer.