



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-0861, Version: 2

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Purpose: Settlement of Workers' Compensation

C.P. No.: 2008-8849

Claimant: Lovan Lewis

Claimant's Attorney: Gary J. Lustbader, Esquire

Attorney's Address: 80 Main Street, Suite 450, West Orange, New Jersey 07052

Settlement Amount: \$33,353.00

Funding Source: Insurance Fund Commission

Additional Comments:

Invitation: Corporation Counsel, July 2, 2013

WHEREAS, the Petitioner, Lovan Lewis, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2008-8849 against the City of Newark seeking workers' compensation benefits as a result of an accident that he suffered on March 3, 2008, while working for the Department Neighborhood and Recreational Services, Division of Sanitation; and

WHEREAS, said Lovan Lewis, through his attorney, 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 Twenty Nine Thousand Five Hundred Twenty Three Dollars (\$29,523.00). Pursuant to the terms of the settlement order to be executed by the Judge of Compensation, the City of Newark will also pay an attorney's fee of Three Thousand Five Hundred Forty Dollars (\$3,540.00), a medical evaluation fee of Two Hundred (\$200.00) and a transcription fee of Ninety Dollars (\$90.00); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to Thirty Three Thousand Three Hundred Fifty Three Dollars (\$33,353.00); and

WHEREAS, based upon all the facts and circumstances surrounding the matter it is deemed in the best interest of the City of Newark to accept said settlement in the total amount of Thirty Three Thousand Three Hundred Fifty Three Dollars (\$33,353.00).

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Corporation Counsel is hereby authorized on behalf of the City of Newark to execute and accept the terms of the settlement of the Workers' Compensation matter bearing C. P. No. 2008-8849.

2. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of Twenty Six Thousand Nine Hundred Forty Eight Dollars (\$26,948.00) made payable and mailed to Lovan Lewis, 600 Main Street, Apt 1A, East Orange, New Jersey 07018. (It is understood that pursuant to the terms of the order to be entered by the Judge of the Division of Workers Compensation, Two Thousand Three Hundred Sixty Dollars (\$2,360.00) is being subtracted from the Petitioner's award to pay attorney's fees, Fifteen Dollars (\$15.00) is being subtracted to pay attorney's costs and Two Hundred Dollars (\$200.00) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
3. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of \$5,900.00 (Five Thousand Nine Hundred Dollars) made payable to Gary J. Lustbader, 80 Main St., Suite 450, West Orange, New Jersey 07052.
4. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of \$15.00 (Fifteen Dollars) made payable to Gary J. Lustbader, 80 Main Street, Suite 450, West Orange, New Jersey 07052.
5. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of \$400.00 (Four Hundred Dollars) made payable to Dr. Morris Horwitz, 175 Cedar Lane, Teaneck, New Jersey 07666.
6. Upon receipt by the Corporation Counsel of all supporting documents the Director of Finance is hereby authorized to issue a check in the amount of \$90.00 (Ninety dollars), made payable to William C. O'Brien Associates, Post Office Box 428, Kenilworth, New Jersey 07033.
7. 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 Fund 024, Agency 24T, Orgn 5T24, Object 96310.
8. 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 and Chasan Leyner & Lamparello, PC, 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 \$33,353.00 brought by Lovan Lewis who suffered injuries arising out of an accident that occurred on March 3, 2008, while working for the Department of Neighborhood and Recreation Services, Division of Sanitation.

