



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-2035, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2009-33143

Claimant: James M. Stewart, Jr.

Claimant's Attorney: Markman & Cannan, L.L.C.

Attorney's Address: 391 Franklin Street, Post Office Box 1489, Bloomfield, New Jersey, 07003

Settlement Amount: \$27,866.00

Funding Source: Insurance Fund Commission

Additional Comments:

Invitation: Corporation Counsel, December 3, 2013

WHEREAS, the Petitioner, James M. Stewart, Jr., instituted suit in the Division of Workers Compensation of New Jersey, Middlesex County, bearing C.P. Number 2009-33143 against the City of Newark seeking Workers' Compensation benefits as a result of injuries he sustained on October 31, 2007 when he was struck by a patrol car while working as a Police Officer for the Newark Police Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Markman & Cannan, L.L.C., Corporation Counsel and/or its designee, Chasan Leyner & Lamparello, 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 Twenty-Four Thousand Four Hundred Forty-Four Dollars (\$24,444.00). 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 Two Thousand Nine Hundred Thirty-Two Dollars (\$2,932.00), a medical evaluation fee of Four Hundred Dollars (\$400.00) 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 Twenty-Seven Thousand Eight Hundred Sixty-Six Dollars (\$27,866.00); and

WHEREAS, based upon all of the facts and circumstances surrounding this matter, Corporation Counsel and/or its designee Outside Counsel deem it is in the best interest of the City of Newark to accept said settlement in the total amount of Twenty-Seven Thousand Eight Hundred Sixty-Six Dollars (\$27,866.00).

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. 2009-33143 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) \$22,088.00 (Twenty-Two Thousand Eighty-Eight Dollars) made payable and mailed to James M. Stewart, Jr., 49 Colfax Street, South River, New Jersey 08882. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$1,956.00 (One Thousand Nine Hundred Fifty-Six Dollars) is being subtracted from the Petitioner's award to pay attorney's fees, and \$400.00 (Four Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
- (b) \$4,888.00 (Four Thousand Eight Hundred Eighty-Eight Dollars) made payable to Markman & Cannan, L.L.C., 391 Franklin Street, Post Office Box 1489, Bloomfield, New Jersey 07003.
- (c) \$800.00 (Eight Hundred Dollars) made payable to Sall/Myers Medical Associates, Post Office Box 2947, Paterson, New Jersey 07509.
- (d) \$90.00 (Ninety Dollars), made payable to John F. Trainor, M.D., Yardville Town Square, 4573 South Broad Street, Suite 110, Hamilton, New Jersey 08620.

3. Attached hereto is the certification 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, Organ 5T24, and Object 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 Corporation Counsel and/or its designee, Chasan Leyner & Lamparello, P.C., 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 \$27,866.00 brought by James M. Stewart, Jr., 49 Colfax Street, South River, New Jersey 08882 and represented by Markman & Cannan, L.L.C., who suffered injuries arising out of an accident that occurred on October 31, 2007, while he was employed as a Police Officer for the Newark Police Department..