



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-2451, Version: 2

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2012-3375

Claimant: Lenn Gardner c/o John's Beeper Store, 950 South Orange Avenue, Newark, New Jersey 07106

Claimant's Attorney: Pearl, Levy & Cicalese, Esqs.

Attorney's Address: 175 Fairfield Avenue, Suite 4B, West Caldwell, New Jersey 07006

Settlement Amount: \$83,370.00

Funding Source: Insurance Fund Trust Account

Additional Comments:

Invitation: Corporation Counsel, April 1, 2014

WHEREAS, the Petitioner, Lenn Gardner, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2012-3375 against the City of Newark seeking workers' compensation benefits, as a result of injuries he sustained on March 25, 2011, while working for the Newark Department of Water and Sewer Utilities when a ladder broke and he fell into a hole, head first; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Pearl, Levy & Cicalese, Esqs. 175 Fairfield Avenue, Suite 4B, West Caldwell, New Jersey 07006, Corporation Counsel and/or his/her 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 Seventy-Four Thousand Dollars and Zero Cents (\$74,000.00). 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 Eight Thousand Eight Hundred Eighty Dollars and Zero Cents (\$8,880.00), a medical evaluation fee of Four Hundred Dollars and Zero Cents (\$400.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to Eighty -Three Thousand Three Hundred Seventy Dollars and Zero Cents (\$83,370.00); 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 Eighty-Three Thousand Three Hundred Seventy Dollars and Zero Cents (\$83,370.00).

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. 2012-3375 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 following amounts:
 - (a) \$67,680.00 (Sixty-Seven Thousand Six Hundred Eighty Dollars and Zero Cents) made payable and mailed to Lenn Gardner, c/o Pearl, Levy & Cicalese, Esqs. of 175 Fairfield Avenue, Suite 4B, West Caldwell, New Jersey 07006. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation; \$5,920.00 (Five Thousand Nine Hundred Twenty Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees; and \$400.00 (Four Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$14,800.00 (Fourteen Thousand Eight Hundred Dollars and Zero Cents) made payable to Pearl, Levy & Cicalese, Esqs. of 175 Fairfield Avenue, Suite 4B, West Caldwell, New Jersey 07006.
 - (c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to: Arthur Tiger, MD, 600 Mt. Pleasant Avenue, Suite E, Dover, New Jersey 07801.
 - (d) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to: Angela Adams, MD, Riverside Medical, 117 Kinderkamack Road, Suite 102, River Edge, New Jersey 07661.
 - (e) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien, Inc., Post Office Box 428, Kenilworth, New Jersey 07033.
3. Attached hereto are the Certifications of Funds from the Comptroller of the City of Newark, which states that there are sufficient legally appropriated funds available for the purpose set forth hereinabove that state the line appropriation of the official budget which shall be charged:

Fund 024, Agency 24T, Orgn 5T24, Object 96310. A copy of the Comptroller's Certification shall be filed by the Corporation Counsel in the Office of the City Clerk, along with a copy of this resolution.

4. 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.

5. 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 hereby authorizes the Corporation Counsel and/or his/her designee, Chasan, Leyner & Lamparello, P.C., ("Outside Counsel") on behalf of the City of Newark, to effectuate a settlement by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of Eighty-Three Thousand Three Hundred Seventy Dollars and Zero Cents (\$83,370.00) brought by Lenn Gardner, c/o John's Beeper Store, 950 South Orange Avenue, Newark, New Jersey 07106 represented by Pearl, Levy & Cicalese, Esqs. 175 Fairfield Avenue, Suite 4B, West Caldwell, New Jersey 07006, who suffered injuries arising out of an accident that occurred on March 25, 2011, while he was working for the City of Newark's Department of Water and Sewer Utilities.