



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 14-2092, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2008-4931

Claimant: Lovie Gibson

Claimant's Attorney: Raymond Armour, Esquire

Attorney's Address: 17 Academy Street, Suite 1110, Newark, New Jersey 07102

Settlement Amount: \$36,578.00

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, March 17, 2015

WHEREAS, the Petitioner, Lovie Gibson, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2008-4931 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on May 15, 2007, when he fell from a ladder, while working as a Laborer for the Department of Neighborhood and Recreational Services; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Raymond Armour, Esquire, Corporation Counsel and/or her designee, Chasan Leyner & Lamparello, P.C. ("Outside Counsel") have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-22) by payment in the amount of Thirty-Two Thousand Four Hundred Dollars (\$32,400.00). 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 fee of Three Thousand Eight Hundred Eighty- Eight Dollars (\$3,888.00), a medical evaluation fee of Two Hundred Dollars (\$200.00) and a transcription fee of Ninety Dollars (\$90.00) for a total settlement of Thirty-Six Thousand Five Hundred Seventy-Eight Dollars (\$36,578.00); 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, the former Corporation Counsel and/or Outside Counsel deemed it was in the best interest of the City of Newark to accept said settlement in the total amount of Thirty-Six Thousand Five Hundred Seventy-Eight Dollars (\$36,578.00); and

WHEREAS, the former Corporation Counsel did not have the opportunity to present this matter to the Municipal Council for approval and adoption prior to her departure from her position with the City.

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. 2008-4931 is hereby approved.

2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Acting Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:

(a) \$29,608.00 (Twenty-Nine Thousand Six Hundred Eight Dollars and Zero Cents) made payable and mailed to Lovie Gibson, 45A Freeman Avenue, East Orange, New Jersey 07018. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,592.00 (Two Thousand Five Hundred Ninety- Two Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$200.00 (Two Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)

(b) \$6,480.00 (Six Thousand Four Hundred Eighty Dollars and Zero Cents) made payable to Raymond Armour, Esquire, 17 Academy Street, Suite 1110, Newark, New Jersey 07102.

(c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.

(d) \$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 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. 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 her designee, 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 \$36,578.00, brought by Lovie Gibson, 45A Freeman Avenue, East Orange, New Jersey 07018 and represented by Raymond Armour, Esquire, who suffered injuries arising out of an accident that occurred on May 15, 2007 when he fell from a ladder, while working as a Laborer for the Department of Neighborhood Recreational Services.