



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 15-1589, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2013-267

Claimant: Victor Zamora

Claimant's Attorney: Davis, Saperstein & Salomon

Attorney's Address: 375 Cedar Lane Teaneck, New Jersey 07666

Settlement Amount: \$47,438.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel, December 1, 2015

WHEREAS, the Petitioner, Victor Zamora, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2013-267 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on November 14, 2012, while working for the Department of Neighborhood and Recreational Services; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Davis, Saperstein & Salomon, Corporation Counsel and/or his 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 Forty Two Thousand One Hundred Eight Dollars and Zero Cents (\$42,108.00). 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 Five Thousand Forty Dollars and Zero Cents (\$5,040.00), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Forty-Seven Thousand Four Hundred Thirty Eight Dollars and Zero Cents (\$47,438.00); 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 Forty Seven Thousand Four Hundred Thirty Eight Dollars and Zero Cents (\$47,438.00).

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. 2013-267 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) \$38,548.00 (Thirty Eight Thousand Five Hundred Forty Eight Dollars and Zero Cents) made payable and mailed to Victor Zamora, 130 Stone Street, 2nd floor, Newark, New Jersey 07104. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$3,360.00 (Three Thousand Three Hundred Sixty 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) \$8,400.00 (Eight Thousand Four Hundred Dollars and Zero Cents) made payable to Davis, Saperstein & Salomon, 375 Cedar Lane, Teaneck, New Jersey 07666.
 - (c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Arthur Tiger, 600 Mount Pleasant Avenue, Suite E, Dover, New Jersey 07801
 - (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 Corporation Counsel or his 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 \$47,438.00 brought by Victor Zamora, 10 Stone Street, 2nd floor, Newark, New Jersey and represented by Davis, Saperstein & Salomon, who suffered injuries arising out of an accident that occurred on November 14, 2012, while he was employed by the Department of Neighborhood and Recreational Services.