



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 17-1381, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2013-21201

Claimant: Derek Glenn

Claimant's Attorney: Diego F. Navas, Esq.

Attorney's Address: One Bloomfield Avenue, Newark, New Jersey 07104

Settlement Amount: \$154,749.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Acting Corporation Counsel, September 6, 2017

WHEREAS, the Petitioner, Derek Glenn, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2013-21201 against the City of Newark seeking workers' compensation benefits as a result of being in a motor vehicle accident wherein he sustained injuries to his cervical and lumbar spine on January 17, 2011, while employed as a Police Captain; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Diego F. Navas, Esq. and the Acting Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel") have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-20) by payment in the amount of One Hundred Fifty-Four Thousand, Seven Hundred Forty-Nine Dollars and Zero Cents (\$154,749.00). 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 Sixteen Thousand Five Hundred and Thirty-Nine Dollars and Zero Cents (\$16,539.00), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Vijaykumar Kulkarni, and a medical evaluation fee and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of One Hundred Fifty Four Thousand Seven Hundred and Forty Nine Dollars and Zero Cents (\$154,749.00); 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 Acting 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 One Hundred Fifty-Four Thousand Seven Hundred Forty-Nine Dollars and Zero Cents (\$154,749.00).

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. 2013-21201 is hereby approved.
2. Upon receipt by the Acting 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) \$137,820.00 (One Hundred Thirty-Seven Thousand Eight Hundred Twenty Dollars and Zero Cents) made payable and mailed to: Derek Glenn, 116 Fred Allen Drive, South Plainfield, New Jersey 07080. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$11,025.00 (Eleven Thousand Twenty-Five Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$300.00 (Three Hundred Dollars and Zero Cents), is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$27,564.00 (Twenty-Seven Thousand Five Hundred Sixty-Four Dollars and Zero Cents) made payable to Diego F. Navas, Esq. One Bloomfield Avenue, Newark, New Jersey 07104.
 - (c) \$300.00 (Three Hundred Dollars and Zero Cents) made payable to Dr. Vijaykumar Kulkarni 100 Hamilton Plaza, 3rd Fl. Paterson, New Jersey 07509.
 - (d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien Associates 525 Boulevard, Kenilworth, New Jersey 07033.
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 Business Unit 024, Dept. ID 24T, Div./Proj. 5T24, Account Code 96310. A copy of the Comptroller's certifications shall be filed by the Acting 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 Acting Corporation Counsel.

STATEMENT

This resolution authorizes the Acting Corporation Counsel or his designee, The Woolridge Law Firm LLC, 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 \$154,749.00, brought by Derek Glenn who sustained injuries arising out of an accident that occurred while employed by the City of Newark as a Police Captain.