



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 17-2204, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2010-2055

Claimant: Miguel Ramos

Claimant's Attorney: Menz and Luxenberg, Esqs.

Attorney's Address: 3176 Route 27, Suite 1D, Kendall Park, New Jersey 08824

Settlement Amount: \$102,935.25

Funding Source: Insurance Fund Commission

Additional Comments:

Invitation: Acting Corporation Counsel

WHEREAS, the Petitioner, Miguel Ramos, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2010-2055 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on March 26, 2009 while working for the City of Newark Department of Neighborhood and Recreational Services, Division of Sanitation, when he was struck by a garbage truck; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Menz and Luxenberg, Esqs., Acting Corporation Counsel and Chasan Lamparello Mallon & Cappuzzo, 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 \$82,974.25 (Eighty-Two Thousand Nine Hundred Seventy-Four Dollars and Twenty-Five Cents). 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 \$19,436.00 (Nineteen Thousand Four Hundred Thirty-Six Dollars and Zero Cents), a medical evaluation fee of \$400.00 (Four Hundred Dollar and Zero Cents) and a transcription fee of \$125.00 (One Hundred Twenty- Five Dollars and Zero Cents); and

WHEREAS, the total value of this settlement with the above referred to fees amounts to \$102,845.25 (One Hundred Two Thousand Eight Hundred Forty-Five Dollars and Twenty-Five Cents); and

WHEREAS, based upon all of the facts and circumstances surrounding this matter, 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 \$102,845.25 (One Hundred Two Thousand Eight Hundred Forty-Five Dollars and Twenty-Five Cents). The City will have realized significant savings due to the Social Security offset and Second Injury Fund Contributions.

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. 2010-2055 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) \$75,496.25 (Seventy-Five Thousand Four Hundred Ninety-Six Dollars and Twenty-Five Cents) made payable and mailed to Miguel Ramos, 49 Sycamore Street, Newark, New Jersey 08876. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$7,078.00 (Seven Thousand Seventy-Eight 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) \$26,514.00 (Twenty-Six Thousand Five Hundred Fourteen Dollars and Zero Cents) made payable to Menz and Luxenberg 3176 Route 27, Suite 1D Kendall Park, New Jersey 08824.
 - (c) \$800.00 (Eight Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, PO Box 2947, Paterson, New Jersey 07509.
 - (d) \$125.00 (One Hundred Twenty-Five Dollars) and Zero Cents, made payable to William C. O' Brien & Associates 525 Boulevard, 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 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, Chasan Lamparello Mallon & Cappuzzo, 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 \$102,845.25, brought by Miguel Ramos who suffered injuries arising out of an accident that occurred on March 26, 2009 while he was employed by the Department of Neighborhood and Recreational Services, Division of Sanitation.

