



Legislation Text

File #: 17-1473, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2010-32600

Claimant: Dennis Sanders

Claimant's Attorney: Birkhold & Maider

Attorney's Address: 189 Franklin Avenue, Suite 1, Nutley, New Jersey 07110

Settlement Amount: \$38,170.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, the Petitioner, Dennis Sanders, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2010-32600 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on October 26, 2010, while working for the City of Newark, Department of Public Safety, Police Division, when he was involved in a motor vehicle accident.

WHEREAS, following settlement negotiations through Petitioner's attorney, Robert Maider, Esq., Corporation Counsel and/or Chasan Lamparello Mallon & Cappuzzo, P.C. ("Outside Counsel") the parties 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 \$27,560.00 (Twenty-Seven Thousand Five Hundred Sixty Dollars and Zero 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 \$9,920.00 (Nine Thousand Nine Hundred Twenty Dollars and Zero Cents), medical evaluation fee in the amount of \$600.00 (Six Hundred Dollars and Zero Cents) and a transcription fee of \$90.00 (Ninety Dollars and Zero Cents); 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, the total value of this settlement with the above referred to fees amounts to \$38,170.00 (Thirty-Eight Thousand One Hundred Seventy Dollars and Zero Cents); 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 \$38,170.00 (Thirty-Eight Thousand One Hundred Seventy Dollars and Zero Cents).

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. 2010-32600 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) \$24,756.00 (Twenty-Four Thousand Seven Hundred Fifty-Six Dollars and Zero Cents) made payable and mailed to Dennis Sanders, 51 West Bayview Avenue, Englewood Cliffs, New Jersey 07632. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$2,204.00 (Two Thousand Two Hundred Four Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$600.00 (Six Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$12,524.00 (Twelve Thousand Five Hundred Twenty-Four Dollars and Zero Cents) counsel fee made payable to Birkhold & Marder, 189 Franklin Avenue, Suite 1, Nutley, New Jersey 07110
 - (c) \$800.00 (Eight Hundred Dollars and Zero Cents) medical fee made payable to Sall Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.
 - (d) \$90.00 (Ninety Dollars and Zero Cents), stenographic fee service made payable to State Shorthand Reporting Services P.O. Box 227, Allenhurst, New Jersey 07711.
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 Business Unit NW024, Dept.ID 24T, Div./Proj. 5T24, Account Code 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, and/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 \$38,170.00 brought by Police Officer Dennis Sanders who suffered injuries arising out of an accident that occurred on October 26, 2010, while he was employed by the Department of Public Safety, Division of Police.