



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 18-1216, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2014-18389

Claimant: Alfredo Costeira

Claimant's Attorney: Markman and Cannan, LLC

Attorney's Address: P.O. Box 1489, Bloomfield, New Jersey 07003

Settlement Amount: \$248,708.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, the Petitioner, Alfredo Costeira, instituted suit in the Division of Workers' Compensation of New Jersey, Union County, bearing C.P. Number 2014-18389 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on February 16, 2013 while working for the City of Newark; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Markman & Cannan LLC, Corporation Counsel and/or the designee, Martin M. Glazer, Esq. ("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 Two Hundred Twenty-One Thousand Four Hundred Forty-Five Dollars and Zero Cents (\$221,445.00). 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 Twenty-Six Thousand Five Hundred Seventy-Three Dollars and Zero Cents (\$26,573.00), a medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Two Hundred Forty-Eight Thousand Seven Hundred Eight Dollars and Zero Cents (\$248,708.00); 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 the 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 Two Hundred Forty-Eight Thousand Seven Hundred Eight Dollars and Zero Cents (\$248,708.00).

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. Number 2014-18389 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) \$203,129.00 (Two Hundred Three Thousand One Hundred Twenty-Nine Dollars and Zero Cents) made payable and mailed to: Alfredo Costeira, 103 John Street, Clark, New Jersey 07066. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$17,716 (Seventeen Thousand Seven Hundred Sixteen Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney 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) \$44,289.00 (Forty-Four Thousand Two Hundred Eighty-Nine Dollars and Zero Cents) made payable to Markman & Cannan LLC, P.O. Box 1489, Bloomfield, New Jersey 07003.
 - (c) \$1,200.00 (One Thousand Two 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 State Shorthand Reporting Services 212 Monmouth Road, Oakhurst, New Jersey 07755, or any other Stenographic services as ordered by the Judge due to changes in contracts.
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 Fund 024, Agency 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 or his designee, Martin M. Glazer, Esq., 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 \$248,708.00 brought by Alfredo Costeira 103 John Street, Clark, New Jersey 07066, who suffered injuries arising out of an accident that occurred on February 16, 2013 while he was employed by the City of Newark, Department of Public Safety, Police Division.