



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 18-1329, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2014-31196

Claimant: Virgilio Cardona

Claimant's Attorney: Lloyd E. Bennett, Esq.

Attorney's Address: 4713 Bergenline Avenue, Union City, New Jersey 07087

Settlement Amount: \$38,217.84

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, the Petitioner, Virgilio Cardona, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-31196 against the City of Newark seeking workers' compensation benefits due to a March 24, 2014, work-related motor vehicle accident resulting in injury to his lower back, right shoulder and left hip, while employed as a police officer by the City of Newark, Department of Public Safety, Police Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Lloyd E. Bennett, Esq. and Corporation Counsel and/or his designee, The Woolridge Law Firm LLC, ("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. 34:15-20) by payment in the amount of Thirty-Three Thousand Five Hundred Seven Dollars and Zero Cents. (\$33,507.00). 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's fee of Four Thousand Twenty Dollars and Eighty-Four Cents (\$4,020.84), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00), for Dr. Cheryl Wong, and Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Theodora Maio and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Thirty-Eight Thousand Two Hundred Seventeen Dollars and Eighty-Four Cents. (\$38,217.84); 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 Thirty-Eight Thousand Two Hundred Seventeen Dollars and Eighty-Four Cents. (\$38,217.84)

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. 2014-31196 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) \$30,226.44 (Thirty Thousand Two Hundred Twenty-Six Dollars and Forty-Four Cents) made payable and mailed to Virgilio Cardona, 18 Metuchen Road, Hewitt, New Jersey 07421. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,680.56 (Two Thousand Six Hundred Eighty Dollars and Fifty-Six 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) \$4,020.84 (Four Thousand Twenty Dollars and Eighty-Four Cents) made payable to Lloyd E. Bennett, Esq., 4713 Bergenline Avenue, Union City, New Jersey 07087.
 - (c) \$300.00 (Three Hundred Dollars and Zero Cents) made payable to Dr. Cheryl Wong, 100 Hamilton Plaza 3rd Floor, Paterson, New Jersey 07509.
 - (d) \$300.00 (Three Hundred Dollars and Zero Cents) made payable to Dr. Theodora Maio, 100 Hamilton Plaza 3rd Floor, Paterson, New Jersey 07509.
 - (e) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien Associates, 525 Boulevard, 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 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 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 \$38,217.84 brought by Virgilio Cardona, 18 Metuchen RD, Hewitt, New Jersey 07421; Represented by Lloyd E. Bennett, Esq., 4713 Bergenline Avenue, Union City, New Jersey 07087 who suffered injuries from a work-related motor vehicle accident while he was employed by the City of Newark as a Police Officer, Department of Public Safety, Police Division.