Legislation Text

File #: 18-1582, **Version:** 1

Dept/ Agency: Law
Action: ( ) Ratifying (X) Authorizing ( ) Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2006-16630
Claimant: Aida Montoya
Claimant's Attorney: Tobin, Kessler, Greenstein, Caruso, Weiner & Konray
Attorney's Address: 136 Central Avenue, Clark, New Jersey 07066
Settlement Amount: $70,155.12
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel

WHEREAS, the Petitioner, Aida Montoya, instituted suit in the Division of Workers Compensation of New Jersey, Morris County, bearing C.P. Number 2006-16630 against the City of Newark seeking workers' compensation benefits as a result of injuries that she sustained from a slip and fall on January 19, 2005, while working for the Department of Economic and Housing Development; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Tobin, Kessler, Greenstein, Caruso, Weiner & Konray, Corporation Counsel and/or his designee, 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 ($62,200.12) Sixty-Two Thousand Two Hundred Dollars and Twelve 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 ($7,465.00) Seven Thousand Four Hundred Sixty-Five Dollars and Zero Cents, medical evaluation fee of ($400.00)(Four Hundred Dollars and Zero Cents and a transcription fee of ($90.00) Ninety Dollars and Zero Cents; and

WHEREAS, the total value of this settlement with the above referred to fees amounts to ($70,155.12) Seventy Thousand One Hundred Fifty-Five Dollars and Twelve 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, 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 ($70,155.12) Seventy Thousand One Hundred Fifty-Five Dollars and Twelve 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. 2006-16630 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) $56,595.12 (Fifty-Six Thousand Five Hundred Ninety-Five Dollars and Twelve Cents) made payable and mailed to Aida Montoya, 3 Honnis Place, Newark, New Jersey 07104. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, $5,205.00 (Five Thousand Two Hundred Five Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney's fees and $400.00 (Four Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.

(b) $12,670.00 (Twelve Thousand Six Hundred Seventy Dollars and Zero Cents) made payable to Tobin, Kessler, Greenstein, Caruso, Weiner & Konray, 136.Central Avenue, Clark, New Jersey 07066.

(c) $400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Cheryl Wong, Sall/Myers Medical Associates, PO Box 2947, Paterson, New Jersey 07509.

(d) $400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Morris Horwitz, 175 Cedar Lane, Suite 4, Teaneck, New Jersey 07666.

(e) $90.00 (Ninety Dollars and Zero Cents), made payable to William C. O' Brien & Associates, 525 Boulevard, Box 428, Kenilworth, New Jersey 07033.

3. Attached hereto is the Certification of the Comptroller of the City of Newark which states 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.

4. A copy of the Comptroller's Certification shall be filed by the Corporation Counsel in the Office of the City Clerk along with a copy of this Resolution.

powered by Legistar™

5. The Corporation Counsel shall file a fully executed copy of the Order Approving Settlement in the Office of the City Clerk.

STATEMENT

This resolution authorizes the Corporation Counsel or his designee, Chasan Lamparello Mallon & Cappuzzo 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 $70,155.12, brought by Aida Montoya, for injuries she sustained on January 19, 2005, while employed by the City's Department of Economic and Housing Development.

powered by Legistar™