



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-0219, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2013-3212

Claimant: Wilfredo Gonzalez

Claimant's Attorney: Feeley & LaRocca

Attorney's Address: 76 South Orange Avenue, #211, South Orange, New Jersey 07079

Settlement Amount: \$32,434.00

Funding Source: Insurance Fund Commission

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, the Petitioner, Wilfredo Gonzalez, instituted suit in the Division of Workers Compensation of New Jersey, Bergen County, bearing C.P. Number 2013-3212 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on February 13, 2011, while working for the City of Newark, Department of Public Safety, Police Division, when he injured his cervical spine in a motor vehicle accident; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Feeley & LaRocca, Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C., ("Outside Counsel"), 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 Twenty-Eight Thousand Seventy-Five Dollars and Zero Cents (\$28,075.00). 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 Three Thousand Nine Hundred Sixty-Nine Dollars and Zero Cents (\$3,969.00), medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00); and

WHEREAS, the total value of this settlement with the above referenced fees amounts to Thirty -Two Thousand Four Hundred Thirty-Four Dollars and Zero Cents (\$32,434.00); 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 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-Two Thousand Four Hundred Thirty-Four Dollars and Zero Cents (\$32,434.00).

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. No. 2013-3212 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) \$25,529.00 (Twenty-Five Thousand Five Hundred Twenty-Nine Dollars and Zero Cents) made payable and mailed to Wilfredo Gonzalez, 2481 Playuela #402, Condo Laderas De Mar, Aguadilla, Puerto Rico 00603. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$2,246.00 (Two Thousand Two Hundred Forty-Six Dollars and Zero Cents), is being subtracted from the Petitioner's award to pay attorney's fees and \$300.00 (Three Hundred Dollars and Zero Cents), is being subtracted to pay for medical evaluations in accordance with the settlement provisions.

(b) \$6,215.00 (Six Thousand Two Hundred Fifteen Dollars and Zero Cents) made payable to Feeley & LaRocca, 76 South Orange Avenue, #211, South Orange, New Jersey 07079.

(c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. David Weiss, 201 Woolston Drive, Morrisville, Pennsylvania 19067.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to Jersey Shore Reporting, P.O. Box R, Manasquan, New Jersey 08736.

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 Business Fund NW 024, 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.

5. 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, 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 \$32,434.00 brought by Wilfredo Gonzalez, for injuries he sustained while employed as a Police Officer for the Department of Public Safety, Police Division.