



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-1037, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2017-14234

Claimant: James Walker

Claimant's Attorney: Jonathan H. Rosenbluth, Esq.

Attorney's Address: 76 South Orange Avenue, Suite 105, South Orange, New Jersey 07079

Settlement Amount: \$91,243.06

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, the Petitioner, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2017-14234 against the City of Newark seeking workers' compensation benefits due to an injury he sustained to the left shoulder, left elbow, right ankle and right foot on August 5, 2016 when he was struck by a passing motor vehicle while employed as a Firefighter by the City of Newark, Department of Public Safety, Fire Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Jonathan H. Rosenbluth, 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 Eighty-One Thousand One Hundred Eighteen Dollars and Eighty Cents (\$81,118.80). 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 Nine Thousand Seven Hundred Thirty-Four Dollars and Twenty-Cents (\$9,734.26), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Stephen Flood, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), for a total settlement of Ninety-One Thousand Two Hundred Forty-Three Dollars and Six Cents (\$91,243.06); 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 Ninety-One Thousand Two Hundred Forty-Three Dollars and Six Cents (\$91,243.06);

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. 2017-14234 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) \$74,329.30 (Seventy-Four Thousand Three Hundred Twenty-Nine Dollars and Thirty Cents) made payable and mailed to James Walker, 1933 Bond Street, Rahway, New Jersey 07065. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$6,489.50 (Six Thousand Four Hundred Eighty-Nine Dollars and Fifty 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.) The finance department will approve the full amount of \$81,118.80.
 - (b) \$9,734.26 (Nine Thousand Seven Hundred Thirty-Four Dollars and Twenty-Six Cents) made payable to Jonathan H. Rosenbluth, 76 South Orange Ave, Suite 105, South Orange, New Jersey 07079.
 - (c) \$300.00 (Three Hundred Dollars and Zero Cents) medical evaluation fee made payable to Dr. Stephen Flood, 100 Hamilton Plaza, 3rd Floor, Paterson, New Jersey 07505.
 - (d) \$90.00 (Ninety Dollars and Zero Cents), made payable to Jersey Shore Reporting, PO Box R., Manasquan, New Jersey 08736.
3. Attached hereto is the Certification of the Comptroller of the City of Newark which states that sufficient legally appropriated funds are available for the purpose set forth hereinabove and 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.
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 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 \$91,243.06, brought by James Walker, 1933 Bond Street, Rahway, New Jersey 07065, who sustained injuries while employed as a Firefighter for the City of Newark, Department of Public Safety, Fire Division.