



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-0988, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2008-16930

Claimant: Noemi Maloon

Claimant's Attorney: Ricci Fava, LLC

Attorney's Address: 16 Furler Street, 2nd Floor, Totowa, New Jersey 07512

Settlement Amount: \$55,504.88

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, the Petitioner, Noemi Maloon, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2008-16930 against the City of Newark seeking workers' compensation benefits as a result of an accident that she sustained on December 5, 2007, while working for the City of Newark Police Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Ricci Fava, LLC, Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C., ("Outside Counsel") has 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 \$49,299.00 (Forty-Nine Thousand Two Hundred Ninety-Nine Dollars Zero 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 \$5,915.88 (Five Thousand Nine Hundred Fifteen Dollars and Eighty-Eight Cents), medical fee of \$300.00 (Three 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 \$55,504.88 (Fifty-Five Thousand Five Hundred Four Dollars and Eighty-Eight 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 \$55,504.88 (Fifty-Five Thousand Five Hundred Four Dollars and Eighty-Eight 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. 2008-16930 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) \$45,155.08 (Forty-Five Thousand One Hundred Fifty-Five Dollars and Eight Cents) made payable and mailed to Noemi Maloon, 32 6th Street, Harrison, New Jersey 07029. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation \$3,943.92 (Three Thousand Nine Hundred Forty-Three Dollars and Ninety-Two Cents) is being subtracted from the Petitioner's award to pay attorney's fees and \$200.00 (Two Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.
 - (b) \$9,859.80 (Nine Thousand Eight Hundred Fifty-Nine Dollars and Eighty Cents) made payable to Ricci Fava, LLC, 16 Furler Street, 2nd Floor, Totowa, New Jersey 07512.
 - (c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. Arthur Tiger, 600 Mount Pleasant Avenue, Suite E, Dover, New Jersey 07801.
 - (d) \$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 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 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 \$55,504.88, brought by Noemi Maloon, for injuries she sustained while employed by the City of Newark Police Department.