



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-1341, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2016-3289

Claimant: James Tedesco

Claimant's Attorney: Markman and Cannan, LLC

Attorney's Address: 391 Franklin Street, Post Office Box 1489, Bloomfield, New Jersey 07003

Settlement Amount: \$199,710.00

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, the Petitioner, James Tedesco, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2016-3289 against the City of Newark seeking workers' compensation benefits as a result of an injury to his head, neck, ribs, left hand and back after a slip and fall on icy, cemented steps, while in the course of duty, on January 12, 2015, while employed by the City of Newark as a Police Officer, Department of Public Safety, Police Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Markman and Cannan, LLC, Corporation Counsel and/or his designee, The Woolridge Law Firm, LLC ("Outside Counsel") have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-20) by payment in the amount of One Hundred Seventy-One Thousand Dollars and Zero Cents (\$171,000.00) and payment in the amount of Seven Thousand Five Hundred Dollars and Zero Cents (\$7,500.00), in accordance with Section 20 of the Worker's Compensation Act (N.J.S.A. 34:15-20). 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 Twenty Thousand Five Hundred Twenty Dollars and Zero Cents (\$20,520.00), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00), payable to Dr. Vijaykumar Kulkarni, 100 Hamilton Avenue Plaza, 3rd Floor, Paterson, New Jersey 07505, a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00), payable to Dr. Cheryl Wong, 100 Hamilton Ave Plaza, 3rd Floor, Paterson, New Jersey 07505, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), for a total settlement of One Hundred Ninety-Nine Thousand Seven Hundred Ten Dollars and Zero Cents (\$199,710.00); 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 One Hundred Ninety-Nine Thousand Seven Hundred Ten Dollars and Zero Cents (\$199,710.00).

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. 2016-3289 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) \$162,720.00 (One Hundred Sixty-Two Thousand Seven Hundred Twenty Dollars and Zero Cents) made payable and mailed to James Tedesco, 23 Wall Street, Newark, New Jersey 07105, (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation; and
 - (b) \$15,180.00 (Fifteen Thousand One Hundred Eighty Dollars and Zero Cents), is Petitioner's portion of attorney's fees, made payable to Markman and Cannan, 391 Franklin Street, Post Office Box 1489, Bloomfield, New Jersey 07003-1489; and
 - (c) \$600.00 (Six Hundred Dollars and Zero Cents), to pay for medical evaluations in accordance with the settlement provisions, and made payable to Dr. Vijaykumar Kulkarni, 100 Hamilton Avenue Plaza, 3rd Floor, Paterson, New Jersey 07505; and
 - (d) \$600.00 (Six Hundred Dollars and Zero Cents), to pay for medical evaluations in accordance with the settlement provisions, and made payable to Dr. Cheryl Wong, 100 Hamilton Avenue Plaza, 3rd Floor, Paterson, New Jersey 07505; and
 - (e) \$20,520.00 (Twenty Thousand Five Hundred Twenty Dollars and Zero Cents), made payable to Markman and Cannan, LLC, 391 Franklin Street, Post Office Box 1489, Bloomfield, New Jersey 07003-1489
 - (f) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien Associates Inc., 525 Boulevard, Kenilworth, New Jersey 07033; and
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 and/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 \$199,710.00, brought by James Tedesco, 23 Wall Street, Newark, New Jersey 07105, who suffered injuries to his head, neck, ribs, left hand and back, on January 12, 2015 while employed by the City of Newark, Department of Public Safety, Police Division as a police officer.