



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-1517, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2016-6422

Claimant: Stephen Ford

Claimant's Attorney: Gary J. Lustbader, Esq.

Attorney's Address: 80 Main Street, Suite 450, West Orange, New Jersey 07052

Settlement Amount: \$126,339.60

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, the Petitioner, Stephen Ford, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2016-6422 against the City of Newark seeking workers' compensation benefits as a result of an injury of the neck and left shoulder while moving heavy weight lifting equipment, while in the course of duty, on September 7, 2015, while employed by the City of Newark as a Laborer for the Department of Public Works; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Gary J. Lustbader, Esquire and Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel") have agreed to amicably resolve 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 Twelve Thousand Four Hundred Fifty-Five Dollars and Zero Cents (\$112,455.00). 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 attorneys fee of Thirteen Thousand Four Hundred Ninety-Four Dollars and Sixty Cents (\$13,494.60) made payable to Gary J. Lustbader, Esquire, 80 Main Street, Suite 450, West Orange, New Jersey 07052, a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00), payable to Morris Horwitz, 175 Cedar Ave, Teaneck, New Jersey 07666, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) made payable to William O'Brien & Associates, Inc., 525 Boulevard, Kenilworth, New Jersey 07033, for a total settlement of One Hundred Twenty-Six Thousand Three Hundred Thirty-Nine Dollars and Sixty Cents (\$126,339.60); 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 Twenty-Six Thousand Three Hundred Thirty-Nine Dollars and Sixty Cents (\$126,339.60);

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. 2016-6422 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) \$103,158.60 (One Hundred Three Thousand One Hundred Fifty-Eight Dollars and Sixty Cents) made payable and mailed to Stephen Ford, 22 Highland Avenue, 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, \$8,996.40 (Eight Thousand Nine Hundred Ninety-Six Dollars and Forty 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 evaluation in accordance with the settlement provisions);
 - (b) \$22,491.00 (Twenty-Two Thousand Four Hundred Ninety-One Dollars and Zero Cents) made payable to Gary J. Lustbader, Esquire, 80 Main Street, Suite 450, West Orange, New Jersey 07052;
 - (c) \$600.00 (Six Hundred Dollars and Zero Cents) made payable to Dr. Morris Horwitz, 175 Cedar Lane, Teaneck, New Jersey 07666;
 - (d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien Associates Inc., 525 Boulevard, Kenilworth, New Jersey 07033.
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 the 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 \$126,339.60; brought by Stephen Ford, 22 Highland Avenue, Newark, New Jersey 07104, who suffered injuries to his left shoulder and neck on September 7, 2015, while employed by the City of Newark, as a Laborer for the Department of Public Works.