

RESOLUTION NO. 45-13

**CAMDEN COUNTY INSURANCE FUND COMMISSION
AUTHORIZING WORKERS COMPENSATION SETTLEMENT WITH
IVORY MARRERO**

WHEREAS, Ivory Marrero has filed a claim against the Camden County Insurance Fund Commission with the State of New Jersey, Department of Labor, Division of Workers' Compensation; and

WHEREAS, the parties have recommended a resolution for 20% of the right shoulder and 10% for the lumbar spine in the amount of \$46,608.00 (180 weeks at \$258.93 per week); plus \$10,000.00 for the cervical spine and right knee for a total settlement in the amount of \$56,608.00, plus costs of \$11,321.60; and

WHEREAS, the claim so filed has been resolved, now, therefore,

BE IT RESOLVED, by the Camden County Insurance Fund Commission that disposition of the claim filed by the above-referenced individual is authorized as follows:

<u>CLAIMANT</u>	<u>PETITION NO.</u>	<u>AMOUNT OF AWARD</u>
Ivory Marrero	CP2012-16193	\$56,608.00 (20% right shoulder; 10% lumbar spine; in the amount of \$46, 608.00; plus \$10,000.00 for cervical spine and right knee. \$11,321.60 (costs)

BE IT FURTHER RESOLVED, that the proper Commission officials and/or their agents, be and are hereby authorized to execute such documents as shall be necessary to effect the disposition set forth above.

ADOPTED: 9-26-13

BY: _____

CHAIRPERSON

ATTEST: _____

VICE-CHAIRPERSON

**Camden County Insurance Commission
Settlement Authority Request**

Claimant: Ivory Marrero
CSI File Number #: 630.111.315
CSI Handling Adjuster: Terri Corchado
CSI Adjuster Phone: 856.380.6529

Date : 8/21/2013
Claim Type: Loss Time
Date of Incident/Loss: 3/2/2011
Department: CCBSS / Services Dept.
Litigation : Yes
Claim Petition #: 2012-16193
Defense Attorney: Weber Gallagher
Plaintiff Attorney: Chatburn & Tighe
Plaintiff Attorney Firm: Chatburn & Tighe

Policy Type : WC

DEFENSE COUNSEL RECOMMENDATIONS: Judge Cox has recommended 20% for the operated right shoulder & 10% for the herniated disc in the lumbar spine. This would entitle her to 180 weeks at \$258.93 for a total of \$46,608.00. Plus \$10,000.00 for the cervical and right knee for a total settlement of \$56,608.00 plus attorney fees \$11,321.60 = \$67,929.60.

**SEEKING AUTHORIZATION FOR SETTLEMENT RECOMMENDATIONS IN THE
AMOUNT OF: \$67,929.60**

APPROVAL FROM CCIC : YES NO

**Camden County Insurance Commission
Camden County Board of Social Services
Settlement Authority Request**

Date: 8/21/2013

Claimant: Ivory Marrero

Date of Birth: 10/07/1977

Date of Hire: 04/26/2002

CSI File Number: 630-111-0000315

CSI Handling Adjuster: Terri Corchado

CSI Adjuster Phone: 856.380.6529

Excess Carrier: Meadowbrook / Star

Excess Notice Date: N/A

Excess Handling Adjuster: N/A

Excess Adjuster Phone: N/A

Excess SIR: \$250,000.00

CTB: Yes

Location code: 26

Subrogation: Potential subrogation does exist.

Claim Type: Indemnity

Date of Incident/Loss: 03/02/2011

Entity/Department: BSS – Services Dept.

Litigation: Yes

Defense Attorney: Weber Gallagher Simpson Staple

Claimant/Plaintiff Attorney: Chatburn & Tighe

Claimant/Plaintiff Attorney Firm: Chatburn & Tighe

Claimant/Plaintiff Attorney Phone:

Policy Type: Workers' Compensation

CEL-JIF Companion File#: N/A

Summary of the Incident Facts: Injured worker was leaving work on the escalator that suddenly stop causing the Injured worker to fall backward sustained multiple Injuries - L Wrist, R Knee, Hip, Thigh, R Shoulder, Neck & Low back.

The Injured worker is a full time supervisor who was leaving work on escalator which stopped suddenly causing Injured worker to fall back. Witness was Yolanda Brown and Security.

The Injured worker sought emergency medical treatment at Kennedy Hospital, Cherry Hill – discharged. Followed up medical treatment at WorkNet, Dr. Moore on 03/04 & 03/09/11. Diagnosed with right shoulder, right knee & cervical sprains. The Injured worker remains out of work. Physical Therapy was set up at NovaCare three times a week. Reevaluated on 03/14 & 03/18/11. MRI of the right knee performed on 03/28/11 which ruled out any fractures or tears. Released to full duty, 03/29/11. MRI of right shoulder performed on 04/05/11, suspicion of a tear of the anterior labrum. Evaluated by Dr. Moore on 04/06/11 Injured worker back out of work until 04/11/11. Referred to Orthopedist, Dr. Lipschultz who evaluated her on 04/14/11.

On 06/15/11 she underwent right shoulder arthroscopy surgery. Attending Physical Therapy 3 weeks for 8 weeks post op care. She currently has a 20lb lifting restriction. Dr. Lipschultz is also currently treating the Injured worker for her low back. He has mentioned on his last evaluation, 09/20/11 pain management if symptoms do not resolve. The Injured worker has improved approximately 70%. Attending physical therapy.

The Injured worker was evaluated by Dr. Lipschultz on 12/20/2011 – discharge from treatment and released to full duty.

The injured worker remained under active medical treatment with Dr. Paul, at Coastal Spine for pain management. The lw underwent her first epidural injection for her lumbar pain on 12/15/2011. she is scheduled for her second injection 01/04/2012. On 1/26/13 the Injured worker was placed at maximum medical improvement / discharged from care.

The Injured worker returned to work light duty on 08/03/2011; released to full duty as of 12/20/2011.

Claim Petition #2012-16193 filed on 10/03/12. Assigned matter to Weber Gallagher. Matter was heard before Judge Cox on 3/20/13, adjourned so that both parties can complete their exams. We have the Injured worker

scheduled with Dr. Meeteer for 5/6/13.

Hearing held on 7/24/2013 before Judge Cox. Matter adjourned to allow settlement negotiations. Judge Cox has recommended 20% for the operated right shoulder & 10% for the herniated disc in the lumbar spine. This would entitle her to 180 weeks at \$258.93 for a total of \$46,608.00. Plus \$10,000.00 for the cervical and right knee for a total settlement of \$56,608.00 plus attorney fees \$11,321.60 = \$67,929.60. The matter is listed for 9/4/2013.

Strategy/Action Plan:

1. Secure settlement authority as recommended by Judge Cox.
2. Extend settlement authority to defense counsel.
4. Resolve claim.
5. Pay award as per court order.
6. Obtain file closure.

Financial Summary:	Indemnity	Medical	Legal	Other	Total
Paid:	\$8,938.28	\$50,219.73	\$2,000.00	\$972.58	\$62,130.59
Outstanding:	\$41,752.72	\$27,080.27	\$3,000.00	\$227.42	\$72,060.41
Total Incurred:	\$50,691.00	\$77,300.00	\$5,000.00	\$1,200.00	\$134,191.00

Reserve Rationale: Reserves appears to be adequate at this time. The following reserves are based on the facts as we know it today.

AWW: \$1,247.58

CR: \$792.00

Indemnity: \$50,691.00

12 weeks TTD @ \$792.00 = \$9,504.00

27.5% of partial total which equates to 165 weeks @ \$249.62 = \$41,187.00

Medical: \$77,300.00

ER: \$2,500.00

Physician: 14 visits x \$150.00 = \$2,100.00

PT: 30 visits x \$200.00 = \$6,000.00

Diagnostics (X-RAYS/MRIS): \$4,200.00

Pain Management (series of three shoulder & low back): \$30,000.00

Surgery: \$32,000.00

RX: \$500.00

Expense: \$1,200.00

IME

Legal: \$5,000.00

Litigation Costs

Last committee meeting date & amount authorized: 10/2011 \$134,191.00

Settlement authority requesting: \$67,929.60. (No additional monies needed)

WEBER GALLAGHER
SIMPSON STAPLETON
FIRES & NEWBY LLP

July 26, 2013

VIA EMAIL

Terri M. Corchado
CompServices, Inc.
PO Box 817
Mt. Laurel, NJ 08054

Direct Dial: (856) 779-7010
Email: rhameman@wglaw.com

RE: Ivory Marrero v. Camden County Board of Social Services
C.P. No.: 2012-16193
Claim No.: 630 111 315
Our File No.: 0066169

Dear Ms. Corchado:

Please be advised that I had an opportunity to appear before the Honorable Emille Cox at the Division of Workers' Compensation Court in Camden on July 24, 2013, in the above referenced matter.

At that time, we informed the court that we needed a conference in this matter since petitioner's counsel and I could not reach a meeting of the minds with regard to negotiations and that I felt that petitioner's initial demand was extremely high. As you know, petitioner's counsel demanded in effect 45% of partial total (25% for the right shoulder, 20% of the lumbar spine), as well as resolution pursuant to Section 20 for the cervical and right knee.

Thereafter, we had an opportunity to conference this matter with Judge Cox. Judge Cox reviewed the medical records, the expert reports, as well as the findings of the experts and recommends the following: Resolution of this case for 30% of partial total disability broken down 20% for the operated right shoulder and 10% for the herniated disc in the lumbar spine. This would entitle petitioner to 180 weeks at \$258.93 per week for a total of \$46,608.00.

In addition, petitioner's counsel raised the issue of the cervical spine, as well as right knee, and the fact that his expert had findings regarding same. I indicated to the Judge that not only did petitioner have a pre-existing issue with both the right knee and cervical spine, my expert found 0% disability associated with same. Judge Cox felt that it is reasonable to resolve those issues pursuant to Section 20. Judge Cox recommends that since he is recommending that the matter resolve for 30% of partial total disability and not over the "hump", he also recommends that we pay slightly more pursuant to Section 20 for the dismissed body parts and, therefore, recommends \$10,000.00 for resolution of that portion of the claim.

Therefore, in summation, the Judge recommends 30% of partial total disability broken down 20% right shoulder, 10% lumbar spine for a gross dollar amount of \$46,608.00, as well as

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Jeffrey D. Newby • New Jersey Managing Partner
A Pennsylvania Limited Liability Partnership

Terri M. Corchado
July 26, 2013
Page 2 of 2

an additional payment of \$10,000.00 pursuant to Section 20 for resolution of the cervical and right knee components of the claim.

At your earliest convenience, please review the above matter and advise whether or not I have authority as recommended by the court.

Judge Cox carried this matter 2 cycles or until September 4, 2013, so that we could seek authority.

Please feel free to give me a call to conference this matter at your earliest convenience.

Very truly yours,

Robert R. Hanneman, Jr.

RRH/tmw