

RESOLUTION NO. 33-15

**CAMDEN COUNTY INSURANCE FUND COMMISSION
AUTHORIZING WORKERS COMPENSATION SETTLEMENT WITH
STEVEN POLLARD**

WHEREAS, Steven Pollard 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 15% of partial total for a total settlement in the amount of \$18,990.00, plus costs of \$3,690.00; 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>
Steven Pollard	CP2014-4031	\$18,990.00 (15% partial total)
		\$3,690.00 (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: 5-28-15

BY:



CHAIRPERSON

ATTEST:



VICE-CHAIRPERSON

**Camden County Insurance Commission
Settlement Authority Request**

Claimant: Steven Pollard	Date : April 27,2015,
CSI File Number #: 630 111 392	Claim Type: Workers' Compensation
CSI Handling Adjuster: Huguette S. Atherton	Date of Incident/Loss: September 23,2013- 11:14 AM
CSI Adjuster Phone: 856-380-6539	Department: Jail
	Litigation : Yes
	Defense Attorney: Chris Saracino- Pietras Saracino
	Claimant/Plaintiff Attorney: Ridgway & tayton
	Policy Type: Workers' Compensation

Petitioner has filed CP2014-4031

DEFENSE COUNSEL RECOMMENDATIONS:

Per enclosed PAR of April 27th.2015 and counsel's correspondence of April 14th.2015, all parties have agreed to resolve this matter for 15% of partial total or \$18,990.00 plus costs of \$3, 690.00 , for a total of \$22,680.00.

Seeking settlement authorization in the amount of \$22,680.00 as outlined above. Last payment authority received June 28.,2012 was for \$ 61,341.00- We are now seeking payment authority up to \$52,251.00, a decrease of \$9,090.00

APPROVAL FROM CCIC: YES NO

Camden County Insurance Commission Payment Authority Request

Claimant: Steven Pollard
Date of Birth: 08/03/1964
Date of Hire: 08/22/1986
CSI File Number: 630-111-392

Status as of: April 27,2015
Claim Type: Indemnity
Date/Time of Loss: 06/15/2011 4:00 PM
Location:

CSI Handling Adjuster: Huguette S. Atherton
CSI Adjuster Phone: 856-380-5320
Excess Carrier: Meadowbrook
Excess Notice Date:
Excess Handling Adjuster:
Excess Adjuster Phone:
Member Entity SIR: \$250,000.00
CIB: yes

Department: Sheriff
Litigation: Yes
Defense Attorney: Chris Saracino-Pletras Saracino
Claimant/Plaintiff Attorney:
Claimant/Plaintiff Attorney Firm: Ridgway & Stayton
Claimant/Plaintiff Attorney Phone:
Policy Type: Workers' Compensation
CEL-JIF Companion File#:

Subrogation: Not applicable, incident occurred as a result of job duties and no third party is involved

AWW-\$1,462.14-Comp.Rate-\$792.00

Summary of the Incident Facts:

Petitioner employed as a sheriff's officer, as he attempted to apprehend a suspect, the suspect initiated a foot pursuit, petitioner proceeded in the same direction when he was snapped on the right shoulder by a protruding tree branch and fell to the ground. Petitioner got up and continued to chase the suspect when he disappeared in the crowd. Petitioner was taken to Cooper Hospital for initial evaluation, then referred to Dr. Moore at Worknet-diagnosis-right shoulder strain/sprain-treatment-PT sessions, MRI of the right shoulder to rule out labral tear-MRI revealed a bursa tear. Petitioner was then referred to Ortho. Dr Patel at Rothman diagnosis-right shoulder bursa tear-treatment-PT, cortisone injections-reached MMI on 11/28/11. Petitioner was disabled from work from 06/11/11 through 08/28/11-released to full duty on 08/29/11. Petitioner received regular wages from the County-WC reimbursed the County for paid wages.

Petitioner's medical expert, Dr. Cataldo provided an estimate of 45% of partial total, the County's medical expert, Dr. Meeteer provided an estimate of 5% of partial total. Counsel has confirmed that all parties have agreed to settle this matter for 15% of partial or \$18,990.00 plus costs of \$3,690.00 for a total of \$22,680.00.

Strategy/Action Plan:

1-Prepare updated PAR/SAR for discussion to obtain settlement authority at the next CCIC meeting of 05/05/15- 2- At next diary, pending on further developments, if warranted will review and adjust the reserves to reflect potential case exposure.

Financial Summary:	Indemnity	Medical	Legal	Other	Total
Paid:	\$8,373.00	\$12,198.00	\$5,006.00	\$2,092.00	\$27,669.00
Outstanding:	\$22,680.00	\$0.00	\$1,494.00	\$408.00	\$24,642.00
Total Incurred:	\$31,053.00	\$12,198.00	\$6,500.00	\$2,500.00	\$52,251.00

Reserve Rationale:

Indemnity reserve reflects paid TTD benefits & 15% of partial total or \$18,900.00 plus costs \$3,690.00=
\$22,680.00

Total Indemnity reserve- \$31,053/00

Last committee meeting date and amount authorized: 06/28/12-\$61,341.00

Payment authority requested up to: \$52,251.00 (decrease of \$9,090.00)

Prior Claims for this Claimant						
DOI	Body Part/Acc Desc	Claim Type	Status	Paid	Incurred	
2005-07-25	LOWER LEGS PROFESSIONAL OFFICE BLDG 08033 STRAINED LFT CALF/S	I	C	\$845	\$845	
2001-10-11	L BACK AREA(INC LUMB & LUMBO) LOST FOOTING WHEN REACHING LOWER BACK STRAIN/C	I	C	\$703	\$703	
1998-08-14	MULTIPLE TRUNK MVA/DRIVING DEPARTMENT VEH. BACK	M	C	\$12,744	\$12,744	
1996-08-13	MULTIPLE BODY PARTS MVA NECK AND BACK	I	C	\$220	\$220	
1996-06-12	MULTIPLE BODY PARTS DIZZY HEADACHES NAUSEA INHALED FUMES FROM	M	C	\$63	\$63	
1993-09-24	MULTIPLE BODY PARTS CUTS ON ARMS AND LEGS CLIMBING OVER FENCE	I	C	\$72	\$72	
1993-08-03	MULTIPLE BODY PARTS RT ARM & WRIST APPREHENDING A SUSP	M	C	\$1,666	\$1,666	
Claim Count: 7				16,313	16,313	

Atherton, Huguette S.

From: Jennifer DeMuro <JDD@pslawnj.com>
Sent: Tuesday, April 14, 2015 11:46 AM
To: Atherton, Huguette S.
Cc: Louis DiAngelo (LDiangelo@CamdenCounty.com); Laura Paffenroth (laurap@camdencounty.com); Hall, Denise L.
Subject: RE: Our claim no: 630 111 392-Claimant: Steven Pollard
Importance: High

Hi Huguette:

The petitioner's attorney confirmed that the petitioner will accept 15% of partial total. The case is listed Thursday, April 16, 2015 before Judge Cox. Please advise the date of the meeting that this claim will be on the agenda so Judge Cox can adjourn this matter accordingly.

Thank you and I look forward to hearing from you.

Jennifer D. DeMuro, Paralegal
Pietras Saracino Smith & Meeks LLP
2060 Fairfax Avenue
Cherry Hill, NJ 08003
856-761-3773
856-761-3774 FAX
jdd@pslawnj.com

From: Atherton, Huguette S. [<mailto:Huguette.Atherton@ahcasualty.com>]
Sent: Tuesday, March 17, 2015 10:18 AM
To: Jennifer DeMuro
Cc: Louis DiAngelo (LDiangelo@CamdenCounty.com); Laura Paffenroth (laurap@camdencounty.com); Hall, Denise L.
Subject: Our claim no: 630 111 392-Claimant: Steven Pollard

Hi Chris

Received your correspondence of March 12, 2015, we agree with your recommendation of resolving this claim up to 15% of partial total or \$18,900.00 plus costs, however at the CCIC's request, in order that a claim may be added to the monthly agenda for settlement discussion, counsel must confirm in writing that all parties have agreed to the settlement.

Please advise, thank you

Huguette S. Atherton
Senior Claims Adjuster
AmeriHealth Casualty
P.O. Box 817 agenda
Mt. Laurel, N.J. 08054
Tel. no: 856-380-6539
Fax no: 856-380-6558
Email: huguette.atherton@ahcasualty.com



From: Jennifer DeMuro [mailto:JDD@pslawnj.com]
Sent: Thursday, March 12, 2015 4:23 PM
To: Atherton, Huguette S.
Cc: Louis DiAngelo (LDiAngelo@CamdenCounty.com); Laura Peffenroth (laurap@camdencounty.com)
Subject: Steven Pollard v. Camden County Sheriff's Department; Claim No.: 630-111-392

Re: Steven Pollard v. Camden County Sheriff's Department
Our File No.: CAM006766
C.P. No.: 2012-4031
Claim No.: 630-111-392

I have attached Chris' status update dated March 12, 2015

Jennifer D. DeMuro, Paralegal
Pietras Saracino Smith & Meeks LLP
2060 Fairfax Avenue
Cherry Hill, NJ 08003
856-761-3773
856-761-3774 FAX
jdd@pslawnj.com

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Pietras Saracino
Smith & Meeks LLP
Attorneys at Law

Christopher J. Saracino
Certified by the Supreme Court of New Jersey
As a Workers' Compensation Law Attorney
Admitted in NJ & PA
cls@pslawnj.com

Jennifer D. DeMuro
Paralegal
jdd@pslawnj.com

March 12, 2015

Huguette Atherton
CompServices, Inc.
P.O. Box 817
Mt. Laurel, NJ 08054

VIA EMAIL ONLY

Re: Steven Pollard v. Camden County Sheriff's Department
Our File No.: CAM005766
C.P. No.: 2012-4031
Claim No.: 630-111-392

Dear Huguette:

The above-captioned matter was listed before Judge Cox in Camden, New Jersey on February 12, 2015 for a pre-trial conference. I appeared at that listing on your behalf and was able to fully discuss this matter with the petitioner's attorney and Judge Cox. Please note that this matter was ultimately adjourned by the court for a period of three (3) cycles. That means that the next listing will occur on April 16, 2015.

As you know from my prior correspondence dated January 12, 2015, the petitioner's attorney and I were not able to come to an agreement on the settlement value of this case. The petitioner's attorney was looking for 27 ½ percent of partial total at 2011 rates, or 165 weeks of benefits payable at \$249.62 per week for a total of \$41,187.00 for the right shoulder claim. In addition, the petitioner's attorney wanted \$17,500.00 under Section 20 to settle the claims involving the back, left shoulder, bilateral arms, and right hand.

In my opinion, this case has a settlement value of no more than 15 percent of partial total only for the orthopedic residuals of a bursal tear in the right shoulder that was treated conservatively without the need for surgery. As you know, our expert, Dr. Peacock, did provide an estimate of 5 percent of partial total for the right shoulder directly related to the work accident on June 15, 2011. The petitioner's expert, Dr. Ralph Cataldo, provided an estimate for 45 percent of partial total related to the right shoulder.

March 12, 2015
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I do not believe that the County should pay anything for the claims involving the back, left shoulder, bilateral arms, and right hand as there was no medical treatment to those body parts following the accident.

I am happy to report that Judge Cox agreed with my analysis of this case and told the petitioner's attorney that 15 percent of partial total for the right shoulder was fair, and that there was no reason why the County should pay anything for the other body parts.

Accordingly, my recommendation is to extend settlement authorization on this file for 15 percent of partial total for the compensable right shoulder injury that did result in a bursal tear confirmed on the MRI that was treated with an injection by Dr. Patel. At 2011 rates, an award of 15 percent of partial total amounts to 90 weeks of benefits payable at \$211.00 per week for a total of \$18,990.00 plus the respondent's share of costs and fees. We will pay nothing for the claims involving the back, left shoulder, bilateral arms, and/or right hand.

Please confirm whether or not settlement authorization can be extended for 15 percent of partial total and I will seek to resolve this matter at the next listing on April 16, 2015.

I trust that this updates you as to the status of this matter. In the interim, please feel free to contact me with any questions or concerns.

Very truly yours,
Pietras Saracino Smith & Meeks, LLP

Christopher J. Saracino

Christopher J. Saracino
cjs@pslawnj.com

CJS/jdd

cc: Louis DiAngelo (via email)
Laura Paffenroth (via email)