

**RESOLUTION NO. 18-12**

**CAMDEN COUNTY INSURANCE FUND COMMISSION  
AUTHORIZING WORKERS COMPENSATION SETTLEMENT WITH  
KEVIN RAFFERTY**

**WHEREAS**, Kevin Rafferty 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 partial total for a total settlement in the amount of \$27,288.00, plus costs of \$5,500.00; 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>
Kevin Rafferty	CP2011-14198	\$27,288.00 (20% partial total)
		\$5,500.00 (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:**

**BY:**

  
\_\_\_\_\_  
**CHAIRPERSON**

**ATTEST:**

  
\_\_\_\_\_  
**VICE-CHAIRPERSON**

**Camden County Insurance Commission  
Settlement Authority Request**

**Claimant:** Kevin Rafferty

**CSI File Number #:** 630 110 219

**CSI Handling Adjuster:** Huguette S. Atherton

**CSI Adjuster Phone:** 856-380-6539

**Date :** April 30<sup>th</sup>.2012

**Claim Type:** Workers' Compensation

**Date of Incident/Loss:** November 15<sup>th</sup>.2010-  
11:50 AM

**Department:** Sheriff's

**Litigation :** Yes

**Defense Attorney:** Marcie Freedman

**Claimant/Plaintiff Attorney:** Aronberg &  
Kouser

**Policy Type :** Workers' Compensation

**Petitioner has filed CP2011-14198**

**DEFENSE COUNSEL RECOMMENDATIONS:**

Per enclosed PAR of March 29<sup>th</sup>.2012 and Counsel's correspondence of December 19<sup>h</sup>.2011 it is counsel's recommendation that this matter be resolved up to 20% of partial total or \$27,288.00 plus costs of \$5,500.00 for a total of \$32,788/00.

**SEEKING AUTHORIZATION FOR SETTLEMENT RECOMMENDATIONS IN THE  
AMOUNT OF : \$ 32,788.00**

**APPROVAL FROM CCIC :**

**YES**

**NO**

## Camden County Insurance Commission Payment Authority Request

**Claimant:** Kevin Rafferty

Status As of: March 29<sup>th</sup>.2012

**CSI File Number #:** 630 110 219

Date of Birth: 04/23/77

Date of hire: 09/11/00

**Claim Type:** Workers' Compensation

**CSI Handling Adjuster:** Huguette S. Atherton

**Date of Incident/Loss:** November 15<sup>th</sup>.2010-11:50AM

**CSI Adjuster Phone:** 856-380-6539

**Department:** Sheriff's

**Excess Carrier:**

**Litigation :** yes

**Excess Notice Date:**

**County Attorney:** Marcie Freedman-

**Excess Handling Adjuster:**

**Claimant/Plaintiff Attorney:**

**Excess Adjuster Phone:**

**Claimant/Plaintiff Attorney Firm:** Aronberg & Kouser

**Excess SIR: \$ 250,000.00**

**Claimant/Plaintiff Phone:**

**CIB: yes- no pre-existing shoulder condition or prior awards**

**Policy Type :** Workers' Compensation

**Location code:**

**Subrogation:** Not applicable-incident occurred as a result of job duties

### Summary of the Incident Facts:

The claimant is a sheriff's investigation, was investigating a suspected drug house, as he attempted to force open an attic door, he strained left shoulder. Treating Dr. Lipschultz ordered, an MRI of the left shoulder revealed no evidence of internal derangement, findings suggestive superior impingement. conservative treatment did not help, surgery (decompression and resection of the clavicle) was scheduled for 02/09/11, released to modified duty on 04/04/11 reached MMI and released to full duty on 06/23/11. Received CP2011-14198

We have now received a demand for settlement from petitioner for 25% of partial total or \$36,186.00 plus costs of \$ 7,300.00 for a total of \$ 43,486.00-petitioner's medical expert Dr .David estimates disability of 70% or partial total, our medical expert, Dr. Meeteer estimates 5% of partial total. Counsel recommends that we push to resolve this matter up to 20% of partial total or \$ 27,288.00 plus costs of \$ 5,500.00 for a total of \$ 32,788.00

### Strategy /Action Plan:

1-Obtain settlement authority up to 20% of partial plus costs and keep counsel informed of further developments- 2--At next diary, pending on further developments, if warranted will review and adjust the reserves to reflect potential case exposure.-3-Will continue to monitor this claim with counsel until we can resolve this matter and close file

Financial Summary:	Indemnity	Medical	Legal	Other	Total
Paid	\$ 4,197.00	\$38,148.00	\$1,004.00	\$525.00	\$43,874.00
Outstanding:	\$32,788.00	\$00.00	\$5,496.00	\$0.00	\$38,284.00
Total Incurred:	\$36,985.00	\$38,148.00	\$6,500.00	\$ 525.00	\$82,158.00

**Reserve Rationale:**

**Indemnity reserve reflects paid TTD benefits of \$ 4,197.00 and 20% of partial total or \$ 27,288.00 plus cost of \$ 5,500.00 = \$ 36,985.00**

<b>Total Indemnity reserve</b>	<b>\$36,985.00</b>
<b>Paid medical treatment</b>	<b>\$38,148.00</b>
<b>Expense reserve</b>	<b>\$ 1,250.00</b>
<b>Litigation reserve</b>	<b>\$ 6,500.00</b>

**Payment authority of \$ 133,816.00 received on June 23<sup>rd</sup>.2011, the reserves have been decreased since then based on further developments on this claim-**

**We are currently seeking settlement authority up to 20% of partial total plus costs as outlined above and the current Indemnity reserve is adequate**

STANLEY P. STAHL\*+  
DOMINIC A. DELAURENTIS, JR.\*  
DAVID P. BRIGHAM  
ROBERT D. BROWN  
MARCIA STANDER FREEDMAN\*\*  
JOHN A. TALVACCHIA\*  
CHARLES C. KOERNIG\*

Certified by the Supreme Court of New Jersey as a Civil Trial  
Attorney  
Certified by the Supreme Court of New Jersey as a Workers'  
Compensation Law Attorney  
Of Counsel

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CSI MT LAUREL

DEC 30 2011

RECEIVED

SHARON K. GALPERN  
BRIAN W. HUNKINS\*  
BRYAN GASTER+  
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File No. 16301

December 19, 2011

Huguette S. Atherton  
CompServices, Inc.  
8000 Midlantic Drive, Suite 410N  
Mt. Laurel, NJ 08054

**Re: Raftery v. Camden County Sheriff's Dept.**  
**Date of Accident: 11/15/10**  
**Claim No. 630 110 219**

Dear Huguette:

The above-captioned matter was listed before Judge Cox in Camden, New Jersey, on December 13, 2011.

At that time, I had the opportunity to conference this matter with Petitioner's attorney.

Huguette S. Atherton  
December 29, 2011  
Page 2

Petitioner's attorney presented the report of Dr. Henry David dated September 28, 2011, a copy of which is enclosed for your review and file. As you can see, Dr. David estimates disability at 70% of partial total disability for the left shoulder with repair of the labral tear, subacromial decompression and resection of the distal clavicle with debridement. As you are aware, on Respondent's behalf, Petitioner was evaluated by Dr. Meeteer who estimated disability at 5% of partial total for the same surgery and residuals.

Petitioner's attorney made a demand for settlement of this matter to the extent of 25% of partial total disability. As you are aware, Petitioner has returned to work in his full capacity as an investigator with the Sheriff's Office. He is capable of performing all of his essential functions of that job. He has even returned to weight training at the gym. As such, it appears that settlement value in this matter would fall in the area of 20% - 22½% of partial total disability at the 2010 rates and I would suggest settlement to the extent of 20% of partial total disability or \$27,288.00.

Kindly advise as to whether you wish to authorize settlement in this matter.

Very truly yours,

Marcia Stander Freedman

MSF/jz

CSI MT LAUREL  
DEC 30 2011  
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