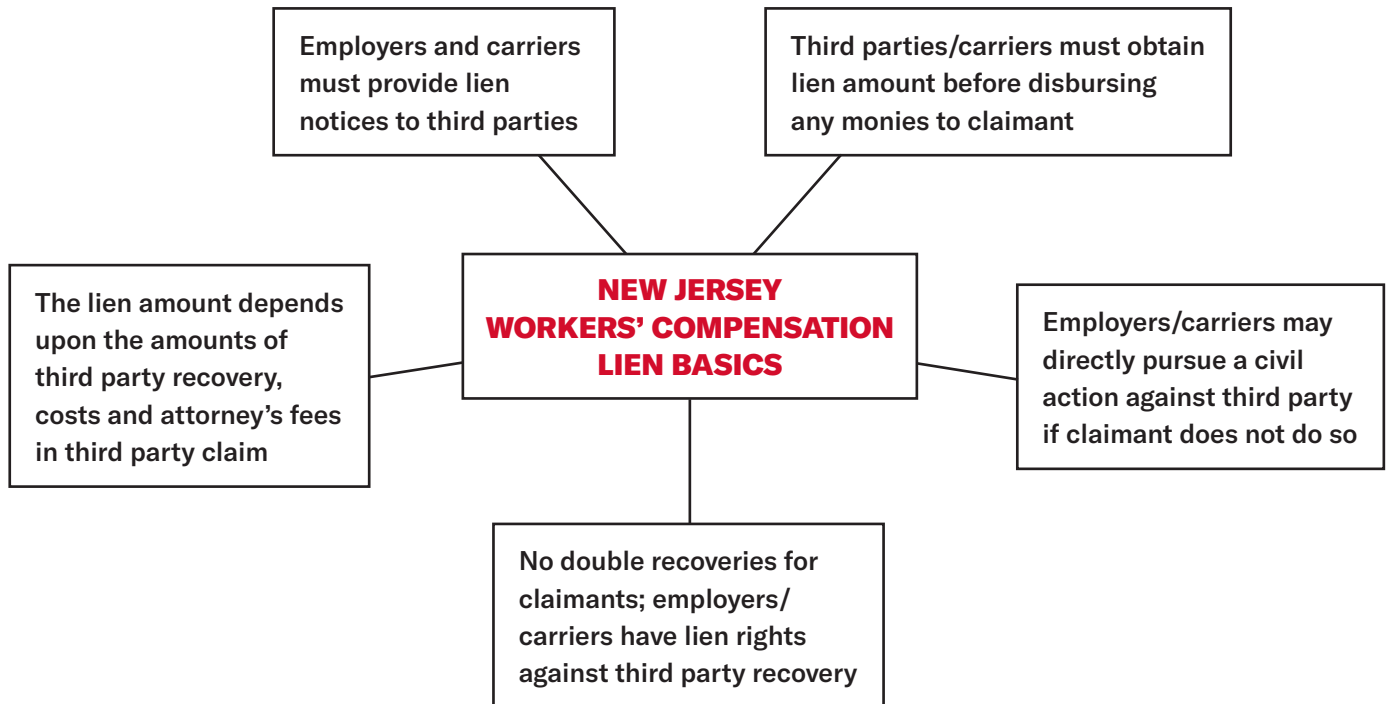


New Jersey Workers' Compensation Lien/Subrogation Reference Guide



HOW GOLDBERG SEGALLA'S LIEN SUBROGATION TEAM CAN HELP YOU:

- Our team will thoroughly evaluate a claim to determine whether a third party claim might be viable.
- We will send out appropriate lien notices to all relevant third parties.
- Our team will closely monitor the status of the third party claim.
- We will obtain all documentation from the third party claim necessary to protect your subrogation interests and to calculate the lien amount.
- Our team will evaluate requests for third party lien compromises and provide you with our advice regarding such lien compromise requests.
- We will ensure that the correct lien amount is paid to you.
- Our team will evaluate the possibility for a direct third party claim by the employer or workers' compensation insurance carrier, and advise you accordingly.

TO LEARN MORE ABOUT HOW OUR LIEN SUBROGATION TEAM CAN HELP YOU, CONTACT:

John M. Novella, Esq.
609.986.1316 | jnovella@goldbergsegalla.com

IMPORTANT SECTIONS OF N.J. LAW

N.J.S.A. 34:15-40(b)

Provides that employers and workers' compensation insurance carriers shall be reimbursed for the workers' compensation benefits paid to the claimant out of the claimant's third party recovery, after deductions for the claimant's third party claim expenses and attorney's fees.

N.J.S.A. 34:15-40(c)

Limits the amount of the third party lien to the gross amount of the third party recovery.

N.J.S.A. 34:15-40(d)

Requires third parties and their insurance carriers, after receiving a third party lien notice, to inquire from the employer or workers' compensation insurance carrier as to the amount of the third party lien before making any third party payments to the claimant or his/her dependents. Requires third party lien notices to be forwarded by employers or workers' compensation insurance carriers to all relevant third parties or insurance carriers by registered mail, return receipt.

N.J.S.A. 34:15-40(e)

Limits the claimant's credit for third party claim expenses to the actual expenses paid, up to \$750. Also limits the claimant's credit for third party claim attorney's fees to the actual fees paid, up to one-third (1/3) of the third party recovery.

N.J.S.A. 34:15-40(f)

Permits employers and workers' compensation insurance carriers to directly pursue lien claims against third parties when the claimant fails to settle the third party claim or file the third party suit within one (1) year of the accident date. Requires employers and workers' compensation insurance carriers to notify the claimant at least 10 days before the employer or carrier directly pursues a third party lien claim.

N.J.S.A. 2A:14-2

Statute of limitations requiring all personal injury lawsuits, including third party lawsuits, to be filed within two (2) years of the accident date or be forever barred.

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