

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, April 27, 2011**

Committee Members Present: Mr. Robert Smuts, Acting Chairman; Alderman Jorge Perez; Mr. Joseph Clerkin, Designee for Management and Budget; and Mr. Mark Pietrosimone, Controller.

Corporation Counsel Staff Present: Victor Bolden, Corporation Counsel; Vikki Cooper, Deputy Corporation Counsel; Audrey Kramer, Assistant Corporation Counsel; and Nancy Pepe, Legal Assistant II.

CIRMA Care Representative: Mr. William O'Connell

**Workers' Compensation
Division Representative:** Mr. Daniel Roche

Meeting Started: 5:37 p.m.

Meeting Ended: 5:57 p.m.

Mr. Smuts called the meeting to order at 5:37 p.m.

Alderman Perez moved approval of the minutes of the April 13, 2011 meeting. Mr. Clerkin seconded the motion. Alderman Perez, Mr. Clerkin and Mr. Pietrosimone abstained because they were not present at the April 13, 2011 meeting. The motion passed.

Alderman Perez moved approval of Office No. 0022905. Mr. Pietrosimone seconded the motion.

Office No. 0022905 - Donald Paduano v. City of New Haven – Mr. O'Connell summarized this issues regarding this matter to the Committee Members. Alderman Perez asked if the City's exposure goes away after a global settlement of all of his claims. Mr. O'Connell stated yes.

The motion to approve the recommendation passed unanimously.

Mr. Pietrosimnoe moved approval of Office No. L07-0064. Alderman Perez seconded the motion.

Office No. L07-0064 – Jason Koenig v. Romano Silvino – Attorney Kramer summarized this issues regarding this matter to the Committee Members. Alderman Perez asked what the City is getting in exchange for the Stipulation and what the City's Exposure would be, as it is not clear in the Recommendation to Compromise. Mr. Roche stated that the City would have exposure for more permanent impairments based on his previous and subsequent injuries. Alderman Perez asked that the projections be included in future Recommendations to Compromise.

The motion to approve the recommendation passed unanimously.

Mr. Pietrosimone moved approval of Office No. L08-0240. Mr. Clerkin seconded the motion.

Office No. L08-0240 – Janet Ayala v. Carlos Roman, et al v. Carlos Roman, et al -

Attorney Cooper summarized the issues regarding this matter to the Committee Members. Alderman Perez asked if the City is responsible to represent the defendant if he was reckless. Attorney Cooper stated the City has to provide a defense on the negligence claim and stated that the City would probably lose, as the case is extremely problematic. Alderman Perez stated that the problem he has is that this officer has a history of being in many motor vehicle accidents and has not learned from them. Attorney Bolden stated this office can make the decision not to defend but explained that because this claims involves more than just a reckless claim the City has a duty to defend. Alderman Perez asked about discipline. Attorney Cooper stated that there was none. Alderman Perez asked if we know why there was none. Attorney Cooper stated she did not know why. Mr. Smuts will follow up to see why no discipline was given. Mr. Smuts asked if this case did go to trial and the City lost, would the Court separate the negligence and recklessness claim, in terms of damages. Attorney Cooper stated that you could only be found negligent or reckless and she does not believe that he was reckless.

The motion to approve the recommendation passed unanimously.

Mr. Clerkin moved approval of Office No. L10-0397. Alderman Perez seconded the motion.

Office No. L10-0397 – Jamel Raper v. City of New Haven – Attorney Kramer summarized the issues regarding this matter to the Committee Members. Alderman Perez asked if the City's driver has a history of Motor Vehicle Accidents. Attorney Kramer stated that she is not aware of any prior accident history.

The motion to approve the recommendation passed unanimously.

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously.

The meeting was adjourned at 5:57 p.m.