

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, April 13, 2011**

Committee Members Present: Mr. Lawrence Rusconi, Chairman; Mr. Robert Smuts, Chief Executive Officer; Alderwoman Arlene DePino; and Mr. Edward Zack, Designee for Controller.

Corporation Counsel Staff Present: Vikki Cooper, Deputy Corporation Counsel; Michael Wolak, Senior Assistant Corporation Counsel; and Nancy Pepe, Legal Assistant II.

Outside Counsel: James Perito, Esq.

Meeting Started: 5:35 p.m.

Meeting Ended: 6:05 p.m.

Mr. Rusconi called the meeting to order at 5:35 p.m.

Mr. Smuts moved approval of the minutes of the March 16, 2011 meeting. Alderwoman DePino seconded the motion. Mr. Smuts and Mr. Zack abstained because they were not present at the March 16, 2011 meeting. The motion passed.

Mr. Smuts moved approval of Office No. L10-0085. Alderwoman DePino seconded the motion.

Office No. L10-0085 - L-A 78, LLC v. City of New Haven – Attorney Perito summarized the issues regarding this matter to the Committee Members. Mr. Rusconi asked if this would be a credit applied to the tax bill for the next fiscal year. Attorney Perito stated yes. Mr. Rusconi asked if the Assessor's Office agreed with this settlement figure. Attorney Perito stated that they proposed \$15 Million Dollars and a compromise was made through negotiations with the Special Master and the other side.

The motion to approve the recommendation passed unanimously.

Mr. Smuts moved approval of Office No. L10-0155. Alderwoman DePino seconded the motion.

Office No. L10-0155 - Boost, LLC v. City of New Haven – Attorney Perito summarized the issues regarding this matter to the Committee Members. Mr. Smuts asked if they have incentive to report to the federal government, perhaps for depreciation. Mr. Perito stated yes, depreciation is actually a faster depreciation than what the state allows. However, the Assessor feels that as long as the reporting is consistent that's fine. Mr. Rusconi asked who at the Assessor Office he gets advice from. Attorney Perito stated that it depends on the type of property. If it's personal

property he deals with Alex Pullen. If it's real property he deals with Rodger Palmer and sometimes William O'Brian.

The motion to approve the recommendation passed unanimously.

Mr. Smuts moved approval of Office No. L09-0149. Alderwoman DePino seconded the motion.

Office No. L09-0149 – 205 Church Street, LLC v. City of New Haven – Attorney Perito summarized the issues regarding this matter to the Committee Members. Mr. Smuts stated that there has been a lot of work done on that building. Mr. Rusconi asked if this value is just the building permit value. Attorney Perito stated yes, which is the rehabilitation.

The motion to approve the recommendation passed unanimously.

Mr. Smuts moved approval up to the Recommended Settlement Amount presented to the Committee for Office Nos. L08-01444, L10-0064, L10-0143, L10-0144, and L10-0145. However, after further negotiations, there is a possibility these matters may settle for less. The Committee will be informed of the exact settlement amount. Alderwoman DePino seconded the motion.

Office Nos. L08-0144, L10-0064, L10-0143, L10-0144 and L10-0145 – Magellan Terminals Holdings LP v. City of New Haven – Attorney Perito summarized the issues regarding this matter to the Committee Members. The Committee had no questions.

The motion to approve the recommendation up to the amount presented to the Committee passed unanimously.

Mr. Smuts moved approval of Office No. L08-0152. Alderwoman DePino seconded the motion.

Office No. L08-0152 – Ashley Bozzi v v. City of New Haven – Attorney Cooper summarized the issues regarding this matter to the Committee Members. Alderwoman DePino asked if there was a report from the Emergency Room regarding the claim of a fracture. Attorney Cooper stated there is a report from the Emergency Room and there is no evidence of a fracture. However, she apparently reinjured her wrist several times and continued to go to the hospital for x-rays. What is confusing is that clinical history on the medical report states "fractured wrist" because the mother was giving a history of a fractured wrist, which makes the medical records very confusing. Mr. Rusconi asked why the medical bills are so high. Attorney Cooper stated from continuing to go make for multiple x-rays. She also had an MRI and a bone scan which made the medical bills go up. Alderwoman asked if the MRI showed a fracture. Attorney Cooper stated the MRI showed tissues instead of bone and it did indicate a questionable cartilage tear. Attorney Cooper explained that if this matter were to go to trial the City's expert would

testify that the MRI was skewed. Alderwoman stated she did not see where the City has any liability, as none of the doctors states she had a fracture. Attorney Cooper stated that there is no dispute the plaintiff was hit by a heavy book bag. She immediately went to the nurse's station, her wrist was swollen and she was taken to the Emergency Room. Whether it's a fracture or a sprain, if there is a verdict in favor of the plaintiff the City has exposure beyond this settlement amount.

The motion to approve the recommendation passed unanimously.

Mr. Smuts moved approval of Office No. L08-0235. Alderwoman DePino seconded the Motion.

Office No. L08-0235 - Yariaslavia Briggs, et al v. Renee Forte, et al. – Attorney Wolak summarized the issues regarding this matter to the Committee Members. Mr. Rusconi asked if the City has any further liability regarding this Motor Vehicle Accident. Attorney Wolak stated the litigation matters are settled, but will check with the Workers' Compensation Department to see if the officers filed claims. Mr. Zack asked about discipline. Mr. Wolak explained that she was given a verbal warning by the State Trooper at the scene but there is no other evidence of any other discipline.

The Committee approved the Recommended Settlement for Office No. L08-0235.

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

The meeting was adjourned at 6:05 p.m.