

**MINUTES OF THE MEETING OF THE  
LITIGATION SETTLEMENT COMMITTEE  
Wednesday, December 2, 2009**

**Committee Members Present:** Mr. Robert Smuts, Acting Chairman; Alderman Jorge Perez; Alderman Allan Brison; Mr. Mark Pietrosimone, Controller and Edward Piazza, Esq.

**Corporation Counsel Staff Present:** Victor Bolden, Corporation Counsel; Audrey Kramer, Assistant Corporation Counsel; Roderick Williams, Assistant Corporation Counsel; Michael Wolak, Assistant Corporation Counsel; and Nancy Pepe, Legal Assistant II.

**Meeting Started:** 5:32 p.m.

**Meeting Ended:** 5:46 p.m.

Mr. Smuts called the meeting to order at 5:32 p.m.

Mr. Pietrosimone moved approval of the minutes of the November 18, 2009 meeting. Alderman Perez seconded the motion. Alderman Brison and Attorney Piazza abstained because they were not present at the November 18, 2009 meeting. The motion passed.

Attorney Piazza moved approval of Office No. L07-0427. Alderman Perez seconded the motion.

**Office No. L07-0427 - Charityn Gandia v. City of New Haven** – Attorney Williams summarized the issues regarding this matter to the Committee. Mr. Smuts questioned the Compromise Recommendation amount of \$9,000 and the Check Made Payable amount of \$8,500.00. Attorney Williams stated that the Check Made Payable amount should be the same as the Compromise Recommendation amount which is \$9,000.00.

The motion to approve the recommendation passed unanimously.

Mr. Pietrosimone moved approval of Office No. L07-0248. Attorney Piazza seconded the motion.

**Office No. L07-0248 – Julie Stanley v. City of New Haven** – Attorney Kramer summarized the issues regarding this matter to the Committee. Mr. Smuts noted that the City has done a lot of repairs to that area since this incident. The Committee had no questions.

The motion to approve the recommendation passed unanimously.

Attorney Piazza moved approval of Office No. L08-0036. Alderman Perez seconded the motion.

**Office No. L08-0036 – Jolisha Payne v. City of New Haven** – Attorney Wolak summarized the issues regarding this matter to the Committee. Mr. Smuts asked if there are more claims against the City from this accident. Attorney Wolak stated there is one more claim against the City. Alderman Perez asked why the party that hit the plaintiff was not sued. Attorney Wolak stated that person had no insurance. Mr. Pietrosimone asked if he was arrested. Attorney Wolak stated that he was arrested. However, instead of charging him with failure to obey an officer's command, he was charged with engaging an officer in pursuit, which makes it difficult to say the police were not in pursuit. Attorney Piazza asked if there were any workers' compensation claims made from this accident. Attorney Wolak stated no, there were no employees involved in the accident. Alderman Perez asked why the officers were not disciplined. Attorney Wolak stated that he did not know why they were not disciplined. Attorney Bolden stated that the letter from Chief Lewis indicates that he would have pursued discipline. However, he was not the Chief at the time. Alderman Perez asked why the Officer turned off his lights and siren. Attorney Wolak stated that, when he was asked this in his deposition, he really didn't have a good answer. Attorney Piazza stated that the settlement figure is so discounted from the types of injuries involved, that it takes into consideration that the liability is 100%. Mr. Smuts stated that whatever the issues were back in 2006, the City has spent a lot of time making sure that the Police Policies and General Orders are in better shape and were structured to enforce the people that are breaking them.

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 5:46 p.m.