

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, January 27, 2010**

Committee Members Present: Mr. Lawrence Rusconi, Chairman; Mr. Robert Smuts, Chief Administrative Officer; Alderman Jorge Perez; Alderwoman Arlene DePino; Mr. Mark Pietrosimone, Controller and Edward Piazza, Esq.

Corporation Counsel Staff Present: Victor Bolden, Corporation Counsel; Kathleen Foster, Assistant Corporation Counsel; Roderick Williams, Assistant Corporation Counsel; and Nancy Pepe, Legal Assistant II.

CIRMA Care Representative: Mr. William O'Connell
Mr. Michael Gillon

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

Meeting Started: 5:30 p.m.

Meeting Ended: 5:55 p.m.

Mr. Rusconi called the meeting to order at 5:30 p.m.

Attorney Piazza moved approval of the minutes of the December 16, 2009 meeting. Alderman Perez seconded the motion. Mr. Rusconi abstained because he was not present at the December 16, 2009 meeting. The motion passed. Alderwoman DePino and Mr. Smuts arrived after approval of the Minutes.

Attorney Piazza moved approval of Office No. 0038801. Mr. Pietrosimone seconded the motion.

Office No. 0038801 – Ronald Benson v. City of New Haven – Mr. O'Connell summarized the issues regarding this matter to the Committee Members. The Committee had no questions.

The motion to approve the recommendation passed unanimously.

Mr. Pietrosimone moved approval of Office No. 0930513409. Attorney Piazza seconded the motion.

Office No. 0930513409 – Donna Brooks v. City of New Haven – Mr. Gillon summarized the issues regarding this matter to the Committee Members. Mr. Pietrosimone asked where the work site was. Mr. Gillon stated this happened at Lighthouse Park. Alderman Perez asked how this could have happened. Mr. Pietrosimone stated that the Parks Department uses a golf cart at Lighthouse Park. Mr. Gillon explained that apparently the cart was being used to load or unload material. After the cart was loaded or unloaded, the driver pulled away without realizing how

close the other individual was to the cart. Mr. Roach stated that there is no way to disprove what happened.

The motion to approve the recommendation passed unanimously.

Attorney Piazza moved approval of Office L08-0054. Alderman Perez seconded the motion.

Office No. L08-0054 – GEICO v. Louis Damico, et al - Mr. Pietrosimone asked if Dixwell Avenue is in Hamden. Attorney Williams stated that it is. However, this occurred on New Haven side of Dixwell Avenue. Attorney Piazza asked if this case was pre-tried. Attorney Williams stated that it was not.

The motion to approve the recommendation passed unanimously.

Office No. L06-0299 – Frank Ricci, et al v. J. DeStefano, et al – Attorney Piazza asked if the settlement figure is what the City figured the Plaintiffs are entitled to for past wages, including interest. Attorney Foster stated that this figure is exclusive of interest, which is approximately an additional \$50,000 or \$60,000. Attorney Piazza asked if the court stated what that interest rate is. Attorney Bolden stated no, what the City used is the interest rate that has been used in other federal cases involving Title VII. However, Plaintiff's counsel may be looking for more. The Plaintiffs have been unwilling to engage in any discussions tying it to other issues; this offer is to get things moving. Alderman Perez asked if this is what the Plaintiffs are entitled to. Attorney Bolden stated that this is what the City's position is as to what they are entitled to. Attorney Piazza asked about attorney fees. Attorney Bolden stated that this Recommendation to Compromise is only dealing with back pay. The City's position is that, if there is an aspect of the case that can be resolved, let's resolve it and move on. Attorney Bolden explained that Management and Budget, working with Payroll, went through the process of calculating the numbers for each individual plaintiff. Mr. Rusconi asked what the basis is for calculating the interest and if that is determined by Statute. Attorney Bolden stated there is federal case law that allows the interest to be based on the one-year Treasury Note, which is what the City will use.

Attorney Piazza moved approval of Office No. L06-0299. Alderman Perez seconded the motion.

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 5:55 p.m.