

**MINUTES OF THE MEETING OF THE  
LITIGATION SETTLEMENT COMMITTEE  
Wednesday, November 18, 2009**

**Committee Members Present:** Mr. Lawrence Rusconi, Chairman; Mr. Robert Smuts, Chief Administrative Officer; Alderman Jorge Perez and Mr. Mark Pietrosimone, Controller.

**Corporation Counsel Staff Present:** Victor Bolden, Corporation Counsel; Roderick Williams, 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:** 5:30 p.m.

**Meeting Ended:** 5:50 p.m.

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

Mr. Smuts moved approval of the minutes of the November 4, 2009 meeting. Mr. Pietrosimone seconded the motion. Alderman Perez abstained because he was not present at the November 4, 2009 meeting. The motion passed.

Mr. Smuts moved approval of Office No. 0939910034. Mr. Pietrosimone seconded the motion.

**Office No. 0939910034 – Michael Burns v. City of New Haven** – Mr. O'Connell summarized the issues regarding this matter to the Committee Members. Mr. O'Connell stated that the City is basically settling this claim for less than the cost of the 10% disability of the neck, which would be approximately \$8,700. Alderman Perez asked about future medical expenses of \$15,000, and the 10% figure of \$8,700. Mr. O'Connell explained that 10% disability to the neck is valued at \$8,768 which is essentially what the doctor said he had at the time of injury. The City never paid that money. Alderman Perez stated that the City is settling an \$18,000 case for \$7,500 because the City will continue to provide group medical insurance. Mr. O'Connell stated that was correct. Mr. Roche explained that if this was not settled under Workers' Compensation and the case remained opened, the medical benefits would have to be administered under the workers' compensation case as opposed to using any kind of group insurance later on. The workers' compensation fee schedules for allowance for medical treatment are at least 1/3 more than what is allowed under group insurance.

The motion to approve the recommendation passed with Mr. Rusconi, Mr. Smuts and Mr. Pietrosimone voting in favor of the Settlement. Alderman Perez opposed.

Mr. Smuts moved approval of Office No. NH94C0605. Mr. Smuts seconded the motion.

**Office No. NH94C0605 – Timothy Tilley v. City of New Haven** – Mr. O’Connell summarized the issues regarding this matter to the Committee Members. Mr. Roche stated that the payment would be divided into three payments over three fiscal years. Alderman Perez asked if the City is still responsible for the medical coverage even if the case is settled. Mr. O’Connell stated yes. Alderman Perez stated that the total exposure breakdown should not be \$495,535. It should not include the \$75,000 for future medical expenses. Mr. O’Connell explained that the number used for future medical expenses is usually the life expectancy based on what is currently being paid for prescriptions. Mr. Roche asked how this Committee would like to see the future medical expenses figure. Attorney Bolden stated that if the City is paying the medical insurance anyway the future medical expenses should not be added with the other numbers presented to the Committee under the Exposure Breakdown. Mr. Smuts stated that the Committee is used to seeing the gross exposure showing what the settlement is taking care of. If you want to show gross exposure and then separately show the exposure of what the settlement is taking care of, you can do that, or, you can continue to use this format with an explanation or footnote.

The motion to approve the recommendation passed unanimously.

Mr. Smuts moved approval of Office No. L08-0209. Mr. Pietrosimone seconded the motion.

**Office No. L08-0209 - Ruth Mastropetre v. City of New Haven** - Attorney Williams summarized the issues regarding this matter to the Committee Members. Mr. Pietrosimone asked about the familiarity of the surroundings and the use of this argument in this case. Attorney Williams stated that he did bring this up with the Judge and felt that helped with the Judge’s Recommendation. Attorney Bolden stated that the City looks at the injuries, how the plaintiff is presented, what the City can settle for, etc. in determining whether it’s worth settling these types of cases or taking a risk and going to trial.

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 5:50 p.m.