

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, November 4, 2009**

Committee Members Present: Mr. Lawrence Rusconi, Chairman; Mr. Robert Smuts, Chief Administrative Officer; Mr. Mark Pietrosimone, Controller; and Edward Piazza, Esq.

Corporation Counsel Staff Present: Vikki Cooper, Deputy Corporation Counsel; Carl Amento, Assistant Corporation Counsel; Audrey Kramer, Assistant Corporation Counsel; Roderick Williams, Assistant Corporation Counsel; and Nancy Pepe, Legal Assistant II.

CIRMA Care Representative: Mr. William O'Connell
Anne Zovas, Esq.

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

Meeting Started: 5:27 p.m.

Meeting Ended: 5:50 p.m.

Mr. Rusconi called the meeting to order at 5:27 p.m.

Attorney Piazza moved approval of the minutes of the October 7, 2009 meeting. Mr. Smuts seconded the motion. The motion passed unanimously.

Attorney Piazza moved approval of Office No. A08-0145. Mr. Smuts seconded the motion.

Office No. L08-0145 – Matthews Ventures v. City of New Haven – Attorney Amento summarized the issues regarding this matter to the Committee Members. The Committee had no questions.

The motion to approve the recommendation passed unanimously.

Attorney Piazza moved approval of Office No. L07-0111. Mr. Smuts seconded the motion.

Office No. L07-0111 – Betty Mae Hamlett v. City of New Haven – Attorney Williams summarized the issues regarding this matter to the Committee. Attorney Piazza asked how much the specials were. Attorney Williams stated they were \$7,200 with a five percent (5%) impairment. Mr. Rusconi asked if all of the injuries listed resulted from this incident. Attorney Williams stated yes, they were all claimed. Mr. Pietrosimone stated that the medicals are only \$7,200 and the City is only paying \$12,000. Attorney Cooper stated that plaintiff's counsel recognizes they may have some issues in terms of sole proximate cause and maybe even the constructive notice because there isn't actual notice in this case. The City has been very successful in the past few cases where

Judges have found that plaintiffs were not able to establish a highway defect claim because they couldn't establish constructive notice because they didn't have Experts. The City is hopeful that this will continue, and this office was somewhat conservative in the settlement because the City knows that the Plaintiff could have a problem. Attorney Piazza stated that with these specials and this type of injury, the Judges' figure takes liability into consideration and felt that this settlement amount is good.

Mr. Pietrosimone stated that he believed that the Committee had asked in a previous meeting to change the context of the Department Head's responses with regards to them being notified that a case is being settled. The Committee has asked that the Department Heads not say the settlement is a fair and reasonable resolution, as that is to be left up to this Committee. However, Department Heads should be aware that the case is being considered for settlement by the Litigation Settlement Committee, that they have no objections to the case being settled, that they are, or have, taken whatever steps necessary to resolve the problem that caused the lawsuit and whether any discipline action was taken. Attorney Cooper stated that this office will comply with this going forward.

The motion to approve the recommendation passed unanimously.

Attorney Piazza moved approval of Office No. L08-0016. Mr. Smuts seconded the motion.

Office No. L08-0016 – Lisett Toledo v. Raymond Crowley, et al - Attorney Kramer summarized the issues regarding this matter to the Committee Members. Attorney Kramer stated that she just realized that she never got a response back from the Police Department with regards to any disciplinary action taken in this case. However, she will supplement this information at a future meeting. Mr. Rusconi asked if the Defendant was driving his own car. Attorney Kramer stated that he was driving a police vehicle. Mr. Smuts stated that he was on the Bomb Squad and would often drive an SUZ with a trailer-hitch.

Mr. Smuts stated that for driving incidents, (and this has been talked about specifically with regards to the Police Department) it would be good to know about discipline but also we want to start to provide the Police Chief with a list of all previous accidents, both at fault and not at fault that an officer has been involved in. Mr. Smut asked if this could be done in a consistent manner. Mr. Roche will follow-up with Mike Barker.

The motion to approve the recommendation passed unanimously.

Attorney Piazza moved approval of Office No. L09-0066. Mr. Smuts seconded the motion.

Office No. L09-0066 – Leslee Witcher v. Justin Eligio, et al – Mr. Roche summarized the issues regarding this matter to the Committee Members. The Committee had not questions

The motion to approve the recommendation passed unanimously.

Mr. Piazza moved approval of Office No. 0930206646. Mr. Pietrosimone Seconded the motion.

Office No. 0930206646 – Andrew Faggio v. City of New Haven - It was recommended that this matter be discussed in an executive session.

Mr. Smuts moved the Committee enter into an Executive Session to discuss Office No. 0930206646 with Deputy Corporation Counsel, Vikki Cooper, Attorney Zovas, Mr. O'Connor and Mr. Roche. Attorney Piazza seconded the motion. The motion passed unanimously

The Committee entered into Executive Session at 5:38 p.m.

A motion was made to exit Executive Session. The motion was seconded and passed unanimously. The Committee exited Executive Session at 5:48 p.m.

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.