

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, June 30, 2010**

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

Corporation Counsel Staff Present: Victor Bolden, Corporation Counsel; Audrey Kramer, Assistant Corporation Counsel; Michael Wolak, III, 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: 5:34 p.m.

Meeting Ended: 6:08 p.m.

Mr. Smuts called the meeting to order at 5:34 p.m.

Alderman Perez moved approval of the minutes of the May 19, 2010 meeting. Alderwoman DePino seconded the motion. The motion passed. Mr. Pietrosimone and Attorney Piazza abstained because they were not present at the May 19, 2010 meeting.

Attorney Piazza moved approval Office No. 0054626 and Office No. 0054717. Alderwoman DePino seconded the motion.

**Office No. 0054626 - Henry Bullock v. City of New Haven; and
Office No. 0054717 - Gary Poole v. City of New Haven**

- Mr. O'Connor summarized the issues of both of these matters to the Committee Members. This incident involved four seasonal employees. Mr. Pietrosimone asked if the other two employees filed workers' compensation claims. Mr. O'Connell stated they filed claims but, they have not pursued them. Alderman Perez asked about the injuries. Mr. O'Connell explained that the City had to acknowledge the Motor Vehicle Accident. However, the City has issued a denial on the extent of injury. The treating physicians have stated there are injuries and limited Range of Motion. Attorney Piazza asked what the doctors said caused the injuries; was it the door of the truck? Mr. O'Connell stated that the doctors stated they both had symptoms after the accident. He explained that one employee may have been hit by the door and jolted forward injuring his shoulder. The other employee was on the other side of the truck and when he was getting out, struck his knee on the door.

Alderman Perez stated that he doesn't doubt that the accident happened or that the two employees were hurt, but doubts that the injuries claimed happened from this accident. Mr. Roche stated that the workers' compensation division is doubtful too. Alderman Perez asked why the City would want to settle these two cases. Mr. Roche explained that it is economically better to settle the cases rather than try to litigate them. Alderman Perez stated that the City needs to set an example and not let people defraud the City. Attorney Piazza asked if either of these individuals received any benefits. Mr. Roche stated that they both received some benefits without prejudice. Alderman Perez asked if the Workers' Compensation Commissioner made any indication as to whether he believes the facts. Mr. Roche stated that he has not.

The motion to approve the recommendations was denied with Mr. Smuts voting in favor of the Recommendations to Compromise and Alderman Perez, Alderwoman DePino, Mr. Pietrosimone and Attorney Piazza voting against the Recommendations to Compromise.

Mr. Pietrosimone moved approval of Office No. L08-0092. Alderwoman DePino seconded the motion.

Office No. L08-0092 - Waleska Bermudez v. Transportation General, et al – Attorney Kramer summarized the issues of this matter to the Committee Members. Attorney Piazza asked if the City is taking what it can to pay off what it paid out. Attorney Kramer stated yes. Mr. Piazza asked if the case is still open. Attorney Kramer stated yes the case is still open. Mr. Pietrosimone asked if the city is accepting \$10,503.81. Attorney Kramer stated yes.

The motion to approve the recommendation passed unanimously.

Mr. Pietrosimone moved approval of Office No. L09-0252. Attorney Piazza seconded the motion.

Office No. L09-0252 - Gilliard Mathadonia v. v. City of New Haven – Attorney Kramer summarized the issues of this matter to the Committee Members. Alderman Perez asked who was responsible for removing snow at the school. Attorney Kramer stated that at that time it was ARAMARK. Alderman Perez asked why the City couldn't go after ARAMARK, since it was their responsible. Attorney Kramer stated she wasn't sure if it was ARAMARK. Attorney Kramer stated that certain areas, including sidewalks, are the responsibility of the custodians. Alderman Perez asked Attorney Kramer to check to see if there is any other party the City could shift responsibility to. Attorney Kramer will follow-up on this.

The motion to approve the recommendation passed unanimously.

Mr. Pietrosimone moved approval of Office No. L09-0058. Alderwoman DePino seconded the motion.

Office No. L99-0058 - Jason Diggs v. Thomas Benedetto, et al – It was recommended that this matter be discussed in an executive session.

Attorney Piazza moved the Committee enter into an Executive Session to discuss Office. No. L99-0058 with Attorney Wolak and Attorney Bolden. At the advice of counsel, Alderman Perez seconded the motion. The motion passed unanimously

The Committee entered into Executive Session at 5:55 p.m.

A motion was made to exit Executive Session. The motion was seconded and passed unanimously. The Committee exited Executive Session at 6:05 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 6:08 p.m.