

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Tuesday, November 22, 2011**

Committee Members Present: Mr. Robert Smuts, Acting Chairman; Alderman Jorge Perez; Mr. Michael O'Neil, Acting Controller; and Mr. Joseph Clerkin, Designee for Management and Budget.

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

CIRMA Care Representative: Mr. William O'Connell

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

Meeting Started: 5:45 p.m.

Meeting Ended: 6:12 p.m.

Mr. Smuts called the meeting to order at 5:45 p.m.

Mr. Clerkin moved approval of the minutes of the November 9, 2011 meeting. Alderman Perez seconded the motion. Alderman Perez and Mr. O'Neil abstained because they were not present at the November 9, 2011 meeting. The motion passed.

Alderman Perez moved approval of the minutes of the November 14, 2011 Emergency meeting. Mr. Clerkin seconded the motion. Mr. O'Neil abstained because he was not present at the November 14, 2011 Emergency meeting. The motion passed.

Mr. Clerkin moved approval of Office No. 0046606. Alderman Perez seconded the motion.

Office No. 0046606 - Cleveland Roach v. City of New Haven – Mr. O'Connell summarized the issues regarding this matter to the Committee Members. Alderman Perez asked why the City would want to settle this matter based on the exposure figures listed on the Recommendation to Compromise. Mr. Roach explained that the money for the 20% is currently due. The Total Disability is for only one year (52 weeks). This is future exposure if and when he has surgery. Alderman Perez asked why the future exposure is listed at such a low amount. Mr. O'Connell explained that this is a conservative figure because he may not have surgery for the next 15 years or so. If he becomes totally disabled from the surgery, worker's compensation would pay him for the next 20 years. Alderman Perez asked if the City is settling because the total disability would only have to be paid once. Mr. O'Connell stated that is correct. The City is minimizing its risk (if, for some reason, there is a total disability) by paying him once for the 52 weeks and that's it. Alderman Perez asked what the chances are that he will be totally disabled from any future surgery. Mr. Roach explained that the risk is if the surgical procedure goes bad, the City could be looking at a young guy who could be disabled for five or ten years.

Mr. Roach explained that the City will pay him the 20% impairment currently due as that is not in dispute, and the Commissioner is likely to say he was disabled from February of 2009 until November of 2009. The City is paying \$90,000 over the \$75,000 which is already owed to him, to get the claim closed. Mr. Smuts stated the City is settling this matter at roughly 65% of what is presented as exposure rather than the 25% that is usually presented to the Committee in other matters because much more of the exposure that is presented is pretty much a sure thing. Mr. Roche stated that is correct. Mr. Clerkin stated that the total disability is the minimum. This is the least amount he can get for one year. Mr. Roach stated that is correct.

The motion to approve the recommendation passed unanimously.

Alderman Perez moved approval of Office No. 0012323. Mr. Clerkin seconded the motion.

Office No. 0012323 - Anthony LaPlana v. City of New Haven - Mr. O'Connell summarized the issues regarding this matter to the Committee Members. Alderman Perez asked why there are future medical expenses. Mr. O'Connell stated because he does not get group medical. Mr. Roach explained that he didn't have enough years to vest for group medical so he will be kept on some group medical for three years to bridge him to Medicare. Alderman Perez asked if this is settled, there would be no future medicals. Mr. Roach stated that is correct.

The motion to approve the recommendation passed unanimously.

Office No. L11-0003 – Alexander Nunez v. Fred Capone, et al - It was recommended that this matter be discussed in an executive session.

On the advice of Counsel, Alderman Perez moved the Committee enter into an Executive Session to discuss Office No. L11-0003 with Attorney Bolden and Attorney Williams. Mr. O'Neil seconded the motion. The motion passed unanimously

The Committee entered into Executive Session at 6:05 p.m.

A motion was made to exit Executive Session. The motion was seconded and passed unanimously. The Committee exited Executive Session at 6:10 p.m.

The motion to approve the recommendation passed with Mr. Smuts, Mr. O'Neil and Mr. Clerkin voting in favor. Alderman Perez abstained.

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously.

The meeting was adjourned at 6:12 p.m.