

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, April 22, 2009**

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

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

Meeting Started: 5:37 p.m.

Meeting Ended: 5:45 p.m.

Mr. Rusconi called the meeting to order at 5:37 p.m.

Alderman Perez moved approval of the minutes of the April 8, 2009 meeting. Mr. Pietrosimone seconded the motion. Alderman Brison abstained because he was not present at the April 8, 2009 meeting. The motion passed.

Mr. Smuts moved approval of Office No. L08-0170. Alderman Perez seconded the motion.

Office No. L08-0170 – Leonides Rodriguez, et al v. City of New Haven – Attorney Williams summarized the issues regarding this matter to the Committee Members. Mr. Pietrosimone asked if there is ever a situation that a sidewalk is so badly damaged that if someone did get injured, the Court would find that they should not have been walking on that particular sidewalk and they entered the sidewalk at their own risk? Attorney Williams explained that the Judge could rule that there was no way she could have missed this defect if she was in the exercise of due care. This is one of the things that were discussed at the Pretrial. However, the Judge could rule that the Plaintiff did not see this defect. Also, the plaintiff did testify that she did not use this route of travel regularly and therefore, it is a creditability issue.

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 5:45 p.m.