

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, April 8, 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, Acting Corporation Counsel; Vikki Cooper, Deputy Corporation Counsel; Audrey Kramer, Assistant Corporation Counsel; Roderick Williams, Assistant Corporation Counsel, Michael Wolak, 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: 5:38 p.m.

Meeting Ended: 6:05 p.m.

Mr. Rusconi called the meeting to order at 5:38 p.m.

Mr. Pietrosimone moved approval of the minutes of the March 11, 2009 meeting. Alderman Perez seconded the motion. The motion passed.

Mr. Pietrosimone moved approval of Office No. 0025913. Mr. Smuts seconded the motion.

Office No. 0025913 – John Brantley v. City of New Haven – Mr. O'Connell summarized the issues regarding this matter to the Committee Members. Mr. Pietrosimone asked if this person is already retired. Mr. O'Connell stated that he retired when his claims were still contested. However, when the medical reports were received the heart condition had to be accepted along with his shoulder injury. Alderman Perez asked why the heart condition is connected to the workers' compensation claim. Mr. Roche explained that at the time of this claim there was a heart and hypertension Connecticut General Statute in place (prior to July 1, 1996) which states that someone hired with the police and fire department with clean physical who develops any type of heart condition, that condition is presumed to be worked related. This Statute has since been changed.

The motion to approve the recommendation passed unanimously.

Mr. Smuts moved approval of Office No. L07-0436. Alderman Perez seconded the motion.

Office No. L07-0436 – Agatha Sciarra v. City of New Haven – Attorney Williams summarized the issues regarding this matter to the Committee Members.

Alderman Perez asked if perhaps Economic Development or City Plan could be more helpful in looking for ways to limit exposure for the City in the future when approving sidewalk designs. The City should not be designing sidewalks that are going to open it up to liability just because they look good. This may limit liability at the design stage.

Mr. Pietrosimone asked if the issue of familiarity (how often this person uses this sidewalk) could be used as an argument. Attorney Williams stated that in this case that can not be used because the plaintiff stated that she did not walk this way regularly. However, if this route was familiar, it could be used as an argument.

Alderman Perez asked if this sidewalk was in front of private building, would the City have any claim against the owner. Attorney Kramer stated that no, the City is responsible for the repair of sidewalks and liability can not be shifted to the property owner.

The motion to approve the recommendation passed unanimously.

Mr. Perez moved approval of Office No. L07-0112. Mr. Pietrosimone seconded the motion.

Office No. L07-0221 – Willie James v. City of New Haven – Attorney Kramer summarized the issues of this matter to the Committee Members. Mr. Smuts asked what this individual tripped over and whether it has been addressed. Attorney Kramer stated that he fell over a raised section of the sidewalk. There was blacktop placed on the sidewalk, but it has not been repaired.

The motion to approve the recommendation passed unanimously.

Mr. Smuts moved approval of Office No. L08-0055. Alderman Perez seconded the motion.

Office No. L08-0055 – Nationwide Mutual Insurance v. Ian Duncan, et al – Attorney Wolak summarized the issues of this matter to the Committee Members. Attorney Wolak stated that he wrote to Public Works requesting a response regarding any discipline taken, but did not yet get a response. Alderman Perez stated that it is important that Departments respond to request made by the Office of the Corporation Counsel. This will be followed-up by Corporation Counsel and brought to the attention of the CAO if no respond is provided.

The motion to approve the recommendation passed unanimously.

Office No. L07-0091 - Bennett Hines v. City of New Haven – The matter was removed from the Agenda.

Mr. Pietrosimone moved approval of Office No. L06-0129. Alderman Perez seconded the motion.

Office No. L06-0129 – Evenlida Ortiz v. Robert Lawlor, et al – Attorney Cooper summarized the issues of this matter to the Committee Members. Mr. Smuts asked how many accidents this Officer has been involved in. Attorney Cooper stated that he has been involved in approximately six or seven previous accidents.

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 6:05 p.m.