

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, February 25, 2009**

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

Corporation Counsel Staff Present: Victor Bolden, Acting Corporation Counsel; Vikki Cooper, Deputy Corporation Counsel; Michael Wolak, III, Assistant Corporation Counsel; and Nancy Pepe, Legal Assistant II.

Outside Counsel: Stephen Del Sole, Esq.

CIRMA Care Representative: Michele Trapasso, Esq.

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

Meeting Started: 5:32 p.m.

Meeting Ended: 6:12 p.m.

Mr. Rusconi called the meeting to order at 5:32 p.m.

Mr. Smuts moved approval of the minutes of the February 11, 2009 meeting. Alderman Brison seconded the motion. Mr. Rusconi and Mr. Piazza abstained because they were not present at the February 11, 2009 meeting. The motion passed with the correction that Alderman Perez did not agree with the square foot value in Office No. L07-0273 – Phelps Association v. City of New Haven.

Mr. Piazza moved approval of Office No. 0018200. Mr. Pietrosimone seconded the motion.

Office No. 0018200 – Sonny Connelly v. City of New Haven – Attorney Trapasso summarized the issues regarding this matter to the Committee Members. Mr. Piazza asked if the amount incurred has been paid. Mr. Roche stated that it was. Mr. Piazza stated that the term “Claimed Incurred” should be “Paid” on the Recommendation to Compromise. Mr. Roche stated that would be made clear in the future. Mr. Rusconi asked what a 3% permanency rating to the lumbar spine is. Attorney Trapasso stated that it is a minimal rating but could go as low as 0%. The doctor gave her a 3% disability which is a low rating but also disabled her from any employment. Alderman Perez asked how the disability rating could be 3% yet she is also disabled from any employment. Mr. Roche stated that this is not a typical finding but some of these cases have both physical and psychological injury. Attorney Trapasso explained that this individual also has a severe pre-existing degeneration which this doctor tried to separate. Alderman Brison stated that perhaps her herniated disc was pre-existing. Attorney Trapasso stated that could be, but the City has to “take them as they get them”

and thought the Physician limited what her attorney could ask for based on the rating. Mr. Roche explained to the Committee Members that the City has agreed to provide this individual with one year of group medical coverage which is not stated on the Recommendation to Compromise. Alderman Perez stated that he would like future Recommendations to include whether the City is paying for any type of medical benefits, as that is a part of the settlement. Alderman Perez asked if the medical plan she would be going into is a self-insurance plan. Mr. Roche stated that it was. Alderman Perez asked if there was anyway to get any other medical insurance coverage that would cap any exposure, instead of using the City's regular self-insured Group Insurance. Mr. Roche stated that he is not aware of any. Mr. Rusconi stated that this would be looked into.

The motion to approve the recommendation passed unanimously.

Alderman Perez moved approval of Office No. L06-0047. Mr. Smuts seconded the motion.

Office No. L06-0047 – Jorge Pizarro v. Justen Kasperzyk, et al – It was recommended that this matter be discussed in an executive session.

Mr. Piazza recused himself from discussion and vote of this matter due to his previous relationship with Attorney Del Sole and his law firm.

Mr. Smuts moved that the Committee enter into Executive Session to discuss Office No. L06-0047 with Attorney Bolden, Attorney Copper, Attorney Wolak, and Attorney Del Sole. Mr. Pietrosimone seconded the motion. The motion passed unanimously.

The Committee entered into Executive Session at 5:45 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 unanimously.

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

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