MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, June 17, 2009

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

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

CIRMA Care Representative: Michele Trapasso, Esq.
Mr. Michael Gillon

Workers' Compensation Division Representative: Mr. Daniel Roche

Meeting Started: 5:30 p.m.

Meeting Ended: 5:48 p.m.

Mr. Rusconi called the meeting to order at 5:30 p.m.

Attorney Piazza moved approval of the minutes of the June 3, 2009 meeting. Mr. Smuts seconded the motion. Mr. Rusconi and Alderman Perez abstained because they were not present at the June 3, 2009 meeting. The motion passed.

Alderman Perez moved approval of Office No. 0930310053. Attorney Piazza seconded the motion.

Office No. 0930310053 - **Anthony Proto v. City of New Haven** – Mr. Gillon summarized the issues of this matter to the Committee Members. Attorney Piazza asked if the permanency award was paid at 7.5% and was that approved by the Workers' Compensation Commissioner. Mr. Gillon stated yes. Attorney Piazza asked what the 5% permanent impairment is that is listed under Exposure Breakdown in the Recommendation to Compromise. Mr. Gillon explained that the I.M.E. Physician, Dr. Staub said that he had a 10%-15% impairment but only 5% was related to the City's injury. The City paid him based on a compromise for the 5%. However, under the Workers' Compensation Statute, the City owes the permanency for pre-existing conditions. Attorney Piazza stated that he didn't understand this, since the Commissioner approved a specific award. Mr. Roche explained that Police and Fire Personnel don't have any offset provisions on their pensions. Under Civil Pensions, every indemnity dollar that someone receives gets deducted from their pension. Because of this provision, the City is able to negotiate better settlements than the exposure with some of the parties.

The motion to approve the recommendation passed unanimously.

Alderman Perez moved approval of Office No. 0016989. Attorney Piazza seconded the motion.

Office No. 0016989 - **Tyrese Dennie v. City of New Haven** – Attorney Trapasso summarized the issues of this matter to the Committee Members. Mr. Smuts stated that replacing someone that is not working in DPW with someone that is, is a good operational move. Mr. Smuts asked about the third party case. Mr. Roche explained that this individual was represented by Attorney George Romania, the at-fault driver was uninsured, the at-fault vehicle was not registered, the at-fault driver, who was not the owner of the vehicle, was not licensed. She was the girlfriend of the at-fault owner who was allegedly borrowing the car. There is some question about whether the owner would say she had the car with his permission. Therefore, plaintiff's counsel didn't view it as a very good case and never brought a third party action. Alderman Perez asked if there were any assets that the City could go after. Mr. Roche stated that he did not know if CIRMA checked for this individual case. Alderman Perez stated that the City needs to protect its interests. Mr. Roche stated that asset checks will be done by CIRMA going forward. Alderman Perez asked about the light duty restrictions that were not accommodated. Mr. Roche stated that his restrictions were impossible to accommodate. Alderman Perez stated that it should be stated that the City was not able to accommodate rather than the light duty restrictions were not accommodated. Mr. Roche stated that the prior Director was not as aggressive in trying to accommodate individuals. Alderman Perez asked what the law requires the City to do. Mr. Roche stated the law requires that every effort should be made to accommodate. Mr. Roche explained some disciplinary issues regarding this individual to the Committee Members.

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 5:48 p.m.