

**MINUTES OF THE MEETING OF THE  
LITIGATION SETTLEMENT COMMITTEE  
Wednesday, November 19, 2008**

**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:** John R. Ward, Corporation Counsel; Vikki Cooper, Deputy Corporation Counsel; Audrey Kramer, Assistant Corporation Counsel; and Nancy Pepe, Legal Assistant II.

**Outside Counsel:** Carol Brown-McLaughlin, Esq.

**CIRMA Care Representative:** Mr. William O'Connell  
Anne Zovas, Esq.

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

**Meeting Started:** 5:36 p.m.

**Meeting Ended:** 6:05 p.m.

Mr. Rusconi called the meeting to order at 5:36 p.m.

Mr. Smuts moved approval of the minutes of the November 5, 2008 meeting. Alderman Perez seconded the motion. Mr. Rusconi abstained because he was not present at the November 5, 2008 meeting. Alderman Perez pointed out that the proposed Tax Appeal Settlements should not be described as "Tabled" since the matters were not presented to the Committee and therefore, there was no motion for approval and no motion to table. Corporation Counsel agreed with this correction. The Minutes will be corrected to reflect that the matters were "Withdrawn" and not "Tabled." The motion passed.

Mr. Piazza moved approval of Office No. 0015066. Mr. Smuts seconded the motion.

**Office No. 0015066 – Estate of Daniel Picalgi v. City of New Haven** - Mr. O'Connell summarized the issues regarding this matter to the Committee Members. Alderman Perez asked what the City's is giving up. Mr. O'Connell explained that the City is waiving \$118,000.00 which represents what the City paid for workers' compensation payments. Alderman Perez asked if the City filed a lawsuit against Judge Walker, one of the defendants in this matter. Mr. Roche stated that the City did file a lawsuit but it has not yet been returned to court. However, if this matter settles, that matter would be withdrawn against Mr. Walker. The City will be giving up its 31291 Rights against any

defendant for workers compensation benefits, not pension benefits. Alderman Perez asked if an employee was negligent, does that affect workers' compensation benefits. Mr. Roche stated no, workers' compensation is "no fault." The City is liable for worker's compensation benefits. Mr. Piazza asked if any of the other defendant's have offered any settlement money. Attorney Zovas stated that there have been discussions about settlement and a global settlement was offered which included Mr. Walker's portion, but that was well less than what Mr. Walker's Insurance Policy covers.

The motion to approve the recommendation passed unanimously.

**Office No. L06-0117 – Evergreen Power, LLC v. City of New Haven** - The Matter was Withdrawn.

**Office No. L07-0350 – Evergreen Power, LLC v. City of New Haven** - The Matter was Withdrawn.

**Office No. L07-0285 – Connecticut Fund, Inc. v. City of New Haven** – The Matter was Withdrawn.

**Office No. L07-0273 – Phelps Association v. City of New Haven** – The Matter was Withdrawn.

Mr. Smuts moved approval of Office No. L07-0466. Mr. Piazza seconded the motion.

**Office No. L07-0466 – Lynn Meekins v. Shana Hull, et al** – Attorney Kramer summarized the issues regarding this matter to the Committee Members. Mr. Piazza asked why this settlement did not include a global settlement. Mr. Pietrosimone asked if future injuries could include the disability rating from this injury. Attorney Kramer stated that it could. Alderman Perez asked what would happen if this committee did not approve this. Attorney Kramer stated that the case would go to trial. Mr. Roche explained that the plaintiff's attorney would not settle with a global settlement and this was the next best thing.

The motion to approve the recommendation passed unanimously.

Mr. Smuts moved approval of Office No. L03-0370. Mr. Piazza seconded the motion.

**Office No. L03-0370 – Theodore Allis v. City of New Haven** - Attorney Brown summarized the issues regarding this matter to the Committee Members. Mr. Piazza asked if this is binding arbitration. Attorney Brown stated that it is. Alderman Perez asked what caused the accident, who, was at fault. Attorney Brown explained that a parked car may have been blocking the view of the police officer and the fact that the police officer that investigated the accident stated that since the officer did not have his siren on, it was considered a non-emergency vehicle. However the liability should be shared between the City and the Co-Defendant.

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.