

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, October 22, 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; Roderick Williams, Assistant Corporation Counsel; and Nancy Pepe, Legal Assistant II.

Outside Counsel: Robert Rhodes, Esq.
Halloran & Sage, LLP

CIRMA Care Representative: Mr. William O'Connell

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

Meeting Started: 5:32 p.m.

Meeting Ended: 6:55 p.m.

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

Mr. Piazza moved approval of the minutes of the October 8, 2008 meeting. Mr. Smuts seconded the motion. Mr. Rusconi abstained because he was not present at the October 8, 2008 meeting. The motion passed.

Mr. Smuts moved approval of Office No. 0930112109. Alderman Perez seconded the motion.

Office No. 0930112109 - Richard Dingle – Mr. O'Connell summarized the issues regarding this matter to the Committee Members. Alderman Perez asked if this settlement would release the City of this individual's claims from accidents occurring on 5/2/02, 3/7/02 and 3/20/04. Mr. O'Connell stated that the City would be released of all three of these claims with this settlement. Mr. Rusconi asked if this individual was rear-ended in all three accidents. Mr. Roche and Mr. O'Connell thought that was probable.

The motion to approve the recommendation passed unanimously.

Office No. L07-0285 – Connecticut Fund, Inc. v. City of New Haven – Mr. Rusconi asked if this settlement is below the previous assessment of 2005. Alderman Perez asked where this property is located. Attorney Williams explained that this is 44 Howe Street which is the YMCA Building. Alderman Perez asked how large the property is and stated that he had a concern with the land value going down. Attorney Williams stated that the property has 83,000 square feet of living area. Alderman Perez asked how the land value was established. Attorney Williams stated that he thought it was a

proportional decrease; working backward from the total number and allocating the same percentage of the decrease. Alderman Perez asked if there was a land appraisal done. Attorney Williams stated he did not know. Attorney Ward suggested that this matter be tabled for a future meeting when Mr. David Ambrose, Acting Assessor, could be present to discuss the issues of this matter to the Committee Members. Alderman Perez asked if Attorney Williams could find out, before the next meeting, if the Plaintiff was required to file an exemption form and if they filed it on time, and provide the Committee Members with a copy of Connecticut General Statute 7-254. Attorney Williams stated that he would.

Mr. Piazza moved Office No. L07-0285 be tabled to a future meeting. Alderman Perez seconded the motion. The motion passed unanimously.

Mr. Smuts recused himself from this matter due to a conflict of interest.

Office No. L02-0666 – Arpad Tolnay v. City of New Haven – It was recommended that this matter be discussed in an executive session.

Alderman Perez moved the Committee enter into an Executive Session to discuss the issues of Office No. L02-0666 with Attorney Ward, Attorney Cooper and Attorney Rhodes. Mr. Piazza seconded the motion. The motion passed unanimously.

The Committee entered into Executive Session at 5:50 p.m.

A motion was made to exit Executive Session. The motion was seconded and passed unanimously. The Committee exited Executive Session at 6:35 p.m.

Mr. Piazza moved the Committee enter into an Executive Session to discuss the settlement of Office No. L02-0666 with Attorney Ward and Attorney Cooper. Mr. Smuts seconded the motion. The motion passed unanimously.

The Committee entered into Executive Session at 6:36 p.m.

A motion was made to exit Executive Session. The motion was seconded and passed unanimously. The Committee exited Executive Session at 6:53 p.m.

Mr. Piazza moved approval of Office No. L02-0666. Mr. Smuts seconded the motion and stated that the settlement is approved up to \$900,000 paid over two fiscal years. The first payment is due now the second payment after July 1, 2009.

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 6:55 p.m.