

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

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FRANK RICCI, ET AL.	:	NO: 3:04-CV-1109 (JBA)
plaintiffs	:	
	:	
v.	:	
	:	
JOHN DESTEFANO, JR, ET AL.	:	
defendants	:	JULY 20, 2011
-----X		

DEFENDANTS' OFFER OF JUDGMENT

Pursuant to Federal Rule of Civil Procedure 68, the defendants, the City of New Haven, John DeStefano, Jr., Karen DuBois-Walton, Thomas Ude, Jr., Tina Burgett, Boise Kimber, Malcolm Webber and Zelma Tirado, hereby make the following offer of judgment to plaintiff Matthew Marcarelli in full and final satisfaction of any and all claims brought in this lawsuit, including but not limited to claims brought under Title VII of the Civil Rights Act of 1964, the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, 42 U.S.C. § 1985 and the Connecticut state law claim of intentional infliction of emotional distress: the total sum of \$94,573.52 in cash and additional pension benefits of substantial value as full satisfaction of any and all claims brought in this lawsuit, as more fully described below. If accepted, \$37,829.41 will be payable by August 31, 2011 and \$56,744.11 will be payable by August 31, 2012.

As further described below, the additional pension benefits will be available upon retirement.

As to back pay, the defendants offer \$11,531.17.

As to interest on the back pay, the defendants offer \$775.50.


To address any tax ramifications of the back pay award referenced above, the defendants offer a gross-up payment of \$5,000.

As to any other claims for monetary damages and/or any other form of relief, except for attorney fees and costs¹, the defendants offer \$77,266.85 and three (3) additional years of service in the New Haven Department of Fire Services (“NHFD”) for pension purposes. For example, if Matthew Marcarelli were to retire after 20 years of service in the NHFD, if he accepted this offer, he would be eligible to receive pension benefits equivalent to someone who had served 23 years in the NHFD.

¹ The defendants are simultaneously serving a separate Offer of Judgment as to attorney fees and costs.

In sum, if accepted, judgment will enter against all defendants and in favor of Matthew Marcarelli, as set forth above.

THE DEFENDANTS
CITY OF NEW HAVEN
JOHN DESTEFANO, JR.
KAREN DUBOIS-WALTON
THOMAS UDE, JR.
TINA BURGETT
BOISE KIMBER
MALCOLM WEBBER
ZELMA TIRADO

By 
Richard A. Roberts (ct 07665)
Stacey L. Pitcher (ct27111)
NUZZO & ROBERTS, L.L.C.
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rroberts@nuzzo-roberts.com
spitcher@nuzzo-roberts.com

CERTIFICATION

This is to certify that on July 20, 2011 a copy of the foregoing was served via electronic mail and U.S. Mail to the following counsel:

Karen Lee Torre, Esq.
The Pattis Law Firm
649 Amity Road
Bethany, CT 06524



Richard A. Roberts

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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FRANK RICCI, et al, : NO. 3:04CV01109 (JBA)
Plaintiffs, :
v. :
JOHN DESTEFANO, et al., :
Defendants. : July 27, 2011

PLAINTIFF MATTHEW MARCARELLI'S NOTICE OF ACCEPTANCE
OF OFFER OF JUDGMENT

Plaintiff Matthew Marcarelli hereby unconditionally accepts the offer of judgment by the defendants City of New Haven, John DeStefano, Jr., Karen DuBois-Walton, Thomas Ude, Jr., Tina Burgett, Boise Kimber, Malcolm Webber and Zelma Tirado served on July 20, 2011, a copy of which is attached hereto.

THE PLAINTIFF, MATTHEW MARCARELLI

BY: 

Karen Lee Torre
Fed. Bar No. ct01707
The Pattis Law Firm, LLC
649 Amity Road
Bethany, CT 06524
Tel: (203) 393-3017
Fax: (203) 393-9745
k torre@pattislaw.com

His Attorney

CERTIFICATION OF SERVICE

I hereby certify that on July 27, 2011 notice of acceptance of the said offer was served on the defendants by hand-delivery of same to their counsel of record as follows:

Richard A. Roberts
Stacey L. Pitcher
Nuzzo & Roberts, L.L.C.
One Town Center
P.O. Box 747
Cheshire, Connecticut 06410

Notice of this electronic filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.



Karen Lee Torre