

Lessons Learned from Losses November 2009

MEL CORNER, 3rd QUARTER

The MEL reports that for the 3rd quarter of 2009, 34 cases were resolved from 17 MEL JIF funds. The MEL paid a total of **\$7,130,229.00**. This was a *significant* increase over the 2nd quarter of 2009 where 29 cases across 11 MEL funds resolved for a total of **\$1,570,000.00** in MEL loss payments.

On behalf of the Atlantic JIF, the MEL paid a total of **\$567,579.00** in settlement payments and two cases were concluded. This was also an increase over the 2nd quarter's results where a total of **\$455,000.00** was paid in settlements.

In an employment case filed against Millville, a police officer alleged discrimination and retaliation in violation of the Conscientious Employee Protection Act, the New Jersey Law Against Discrimination as well as other alleged civil rights violations. The allegations resulted from alleged retaliation due in part to the officer's sexual orientation. He also alleged that as a result of his reporting of allegedly improper or illegal activities, he was retaliated against resulting in a hostile work environment and constructive discharge. His allegations included being singled out for the way he wore his hat, parked his car and how he dressed. He also alleged that he was given less favorable assignments.

This officer was issued 4-5 disciplinary charges following his reporting of the alleged illegal or improper activities. These charges were withdrawn once the allegations were investigated and disciplinary charges were issued against other personnel.

Damages sought included compensatory, punitive and non-monetary relief. The case was defended by a total of three MEL attorneys. Total defense fees amounted to **\$144,189.26**. The total settlement paid to the officer was **\$400,000.00**.

In a Public Officials claim filed Weymouth, a company that owned real property challenged a rent control ordinance. The company charged rental fees to owners of mobile homes. They filed a challenge seeking to increase the fees. The suit challenged the Medicare offset application method. The case ultimately resolved for the injunctive relief sought in the suit. Total defense fees amounted to **\$8,889.18**. No loss payment was paid by the MEL.