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March 10, 2025

Via email only at [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

Honorable Alice L. Lee, Chair  
and Members of the Council  
County of Maui  
Wailuku, Hawai'i 96793

SUBJECT: Litigation Matter – Settlement Authorization  
KAMALANI T. UEHARA vs. COUNTY OF MAUI, DEPARTMENT OF  
WATER SUPPLY, ET AL.; CIVIL 2CCV-21-0000378

Dear Chair Lee and Council Members:

Please find attached separately a Proposed Resolution entitled "AUTHORIZING SETTLEMENT OF KAMALANI T. UEHARA vs. COUNTY OF MAUI, DEPARTMENT OF WATER SUPPLY, ET AL.; CIVIL 2CCV-21-0000378". The purpose of the proposed resolution is to discuss settlement authority with regards to the above-referenced lawsuit.

I request that the proposed resolution be scheduled for discussion and action, or referral to the appropriate standing committee **as soon as possible**. Trial is scheduled for June 23, 2025. For further information, I have also attached the Complaint filed on December 10, 2021.

An Executive session may be necessary to discuss questions and issues pertaining to the powers, duties privileges, immunities and liabilities of the County, the Council, and/or the Committee.

If you have any questions or concerns, please do not hesitate to contact us. Thank you for your anticipated assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen R. Pascual", is written over a horizontal line.

GLEN R. PASCUAL  
Deputy Corporation Counsel

cc: John Stufflebean, Director of the Department of Water Supply  
Attachments

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Attorney for Plaintiff  
KAMALANI T. UEHARA

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT  
STATE OF HAWAII

KAMALANI T. UEHARA,	)	CIVIL NO. _____
	)	(Other Non-Motor Vehicle Tort)
Plaintiff,	)	
vs.	)	
	)	COMPLAINT; SUMMONS
COUNTY OF MAUI; DEPARTMENT OF	)	
WATER SUPPLY, DOE DEFENDANTS	)	
1-10,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	
	)	

**COMPLAINT**

NOW COMES the Plaintiff, KAMALANI T. UEHARA (“Plaintiff”), by and through undersigned counsel, KRISTIN COCCARO, for a Complaint against the above-named Defendants, and alleges and avers as follows:

**PARTIES**

1. Plaintiff KAMALANI T. UEHARA is, and was at all relevant times herein, a resident of the County of Maui, State of Hawaii. Plaintiff is employed by Defendants as a Water Microbiologist.

2. Defendant COUNTY OF MAUI, DEPARTMENT OF WATER SUPPLY (“Defendant”), is, and was at all relevant times herein, a municipal entity belonging to the County of Maui, State of Hawaii.
3. Defendants DOE DEFENDANTS 1-10 are sued herein under fictitious names for the reason that their true names, capacities and responsibilities are presently unknown to Plaintiff, but upon information and belief they are persons, entities, governmental agencies, and/or partnerships who were in some manner presently unknown to Plaintiff engaged in the activities alleged herein; and/or are in some manner responsible for the injuries and damages to Plaintiff, and/or are persons who conducted some activity in a negligent, wrongful, and/or willful manner or who failed to fulfill a duty or obligation, which action, conduct, error or omission was the proximate cause of injuries or damages to Plaintiff; and/or were in some manner related to the previously named Defendants engaged in the activities alleged herein. Plaintiff will seek leave to amend this Complaint when the true names and capacities of the Doe Defendants have been ascertained.

#### **JURISDICTION AND VENUE**

4. At all times relevant, Defendant was a governmental entity located within the County of Maui, State of Hawaii and subject to the Court’s jurisdiction pursuant to Hawaii Revised Statutes (hereinafter “HRS”) §634-35.
5. Venue is proper because the claims for relief arose in the County of Maui, State of Hawaii, and all incidents described herein took place within the jurisdiction of the Circuit Court of the Second Circuit, State of Hawaii.
6. This Court has jurisdiction pursuant to Hawaii Revised Statutes §603-21.5 and venue is proper pursuant to HRS §603-36(5).
7. This Court has subject matter jurisdiction over this dispute pursuant to HRS § 378-62.

8. On or about September 22, 2021, Plaintiff received a Notice of Dismissal and Right to Sue from the Hawai'i Civil Rights Commission in FEPA No. M-21636.
9. The amount of damages or injuries in controversy exceeds, exclusive of attorney's fees, interest and costs, the sum of \$40,000.00.

### **FACTUAL ALLEGATIONS**

10. The Department of Water Supply, County of Maui, State of Hawaii ("Department of Water Supply"), is a County of Maui agency whose mission is to provide clean water efficiently to approximately 36,400 services on Maui and Molokai. The Department of Water Supply is charged with providing water that meets all state and federal water quality standards.
11. For the past four years, since August of 2017, Plaintiff has been employed by the Department of Water Supply as a Water Microbiologist. Plaintiff is assigned to the Plant Operations Water Quality Lab as a Water Microbiologist II. Plaintiff's base yard and lab are located at Kahului, Maui, Hawaii.
12. On April 14, 2020, Plaintiff emailed Laura Seaton ("Seaton"), Department Personnel/Administrative Officer for the County of Maui Water Department, to inquire about making a sexual harassment complaint against Marvin Ignacio ("Ignacio"), the East Water Treatment Plant Operation/Maintenance Supervisor for the County of Maui Water Department. His base yard is at Pi'iholo Treatment Plant, above Makawao, Maui, Hawaii.
13. Plaintiff inquired about making a sexual harassment complaint after she was subjected to repeated and continuous sexual harassment.
14. Once Plaintiff made the sexual harassment complaint she was and continues to be retaliated against for making such complaint.

15. For approximately a year, from 2019 – 2020, prior to the Covid 19 shutdown, Ignacio would come to the Kahului base yard/lab where Plaintiff worked, every Friday afternoon for approximately 2 hours to talk story with Plaintiff's supervisor, Leonore Amano ("Amano"), Water Microbiologist IV/Laboratory Supervisor and Plaintiff's direct supervisor. Ignacio would specifically tell Plaintiff to come into Ms. Amano's office to listen to his stories.
16. A majority of the time Ignacio's stories and jokes were sexual in nature and inappropriate. Ignacio discussed colleagues having sexual intercourse, what it would be like if two of the larger employees had sex, spoke about womens' menstrual pads, and discussed masturbation while making hand gestures to simulate male masturbation.
17. Plaintiff was always uncomfortable but subjected to these stories while in an office with two supervisors. Plaintiff always tried to leave as soon she could.
18. When Covid precautions started on April 1, 2020, Plaintiff was in a rotation to be in the office with only two men and herself. The men would often be sent out to the field, and Plaintiff ended up in the lab alone. As of April 1, 2020, Ignacio started visiting Amano's office daily, starting in the morning hours. Plaintiff would try to avoid being seen and would essentially hide when she heard the door open, and Ignacio enter the lab. Ignacio's comments became more sexually disturbing without any of Plaintiff's co-workers around.
19. On April 9, 2020, Plaintiff could not avoid going into Amano's office and Ignacio was again talking about masturbating.
20. On April 14, 2020, Plaintiff made an initial request to Seaton just to find out what the procedure was for making a sexual harassment complaint. Information on the process was not readily available.

21. Plaintiff asked Seaton that a mass email be sent out reminding everyone to be appropriate in the workplace.
22. Plaintiff told Seaton she wanted to remain anonymous and not name the harasser by name because Plaintiff was afraid of repercussions since he was a supervisor.
23. Seaton pushed Plaintiff to tell her the name of the individual without explaining the investigation process. Seaton said she would talk to Plaintiff's supervisor and the person doing the harassing and keep Plaintiff's best interests in mind.
24. Seaton gave Plaintiff no information about the fact that there would be an investigation and many people would be interviewed.
25. In response to the limited information Seaton gave Plaintiff, Plaintiff told Seaton Ignacio's name. Seaton told Plaintiff that she would follow up with Plaintiff at the end of the week but, Plaintiff heard nothing from her.
26. As a result of Plaintiff's complaint Ignacio was temporarily banned from the lab and base yard where Plaintiff was working. However, Plaintiff was told that Ignacio could come back if Plaintiff allowed Ignacio to apologize to Plaintiff.
27. Plaintiff said she was not comfortable with being face to face with Ignacio and having him apologize but, Plaintiff's supervisor, Amano, stated it was the only way Ignacio would be allowed to come back to the base yard.
28. Plaintiff felt she was being blamed for Ignacio's behavior, being made to feel guilty about Ignacio being banned from the lab from her supervisor and forced to allow Ignacio to apologize.
29. Ignacio went up to Plaintiff, in front of all Plaintiff's co-workers and he "apologized" by blaming Plaintiff for taking his "jokes" the "wrong way".
30. After the "apology" Ignacio continued to come to Plaintiff's base yard and lab unhindered.

31. Plaintiff told her supervisor, Amano, that she felt a lot of hostility in the workplace since making the sexual harassment complaint. Amano told Plaintiff that if that was the case Plaintiff had the power to stop the investigation to stop the hostility. Plaintiff felt a lot of pressure from Amano to stop the case.
32. Despite the complaint to Plaintiff's supervisor about the hostility on the base yard and in the lab, nothing was done, no corrective actions were taken and no reasonable remedies were provided Plaintiff.
33. As a result, Plaintiff tried to stop the investigation.
34. Plaintiff called Seaton and asked her to stop the investigation because Seaton had not given Plaintiff the information she needed to make an informed decision about making the complaint and now Plaintiff was feeling the repercussions, and nothing was being done about the harassment.
35. Seaton told Plaintiff that she did not give Plaintiff the information because Plaintiff is a "young woman" working in a base yard full of men and if she told Plaintiff what would happen Plaintiff might not divulge the individuals name.
36. Seaton stated something to the effect that Seaton was acting like Plaintiff's mother and just trying to protect Plaintiff.
37. Plaintiff informed Seaton that she should be treated like any other employee of the county when asking for information and not differently because she was a "young woman".
38. Seaton then went on to accuse Plaintiff of exaggerating the harassment since Plaintiff was requesting to stop the investigation.
39. Seaton was later relieved of her position and Alen Atkinson ("Atkinson"), an Administrative Officer in the Environmental Management Department, took over the investigation.

40. Plaintiff was not told why Seaton had been relieved of her position or why Atkinson had taken over the investigation.
41. Atkinson informed Plaintiff he was scheduling her interview, regarding the sexual harassment complaint against Ignacio, for May 7, 2020.
42. After her interview, Plaintiff didn't hear anything about the investigation for months.
43. Plaintiff followed up in August, September and the beginning of October 2020 and got no response.
44. Plaintiff made numerous inquiries with many people including Plaintiff's Union agent, Todd Watkins ("Watkins").
45. Plaintiff also went to the EEO Specialist, Ralph Thomas ("Thomas"), to voice Plaintiff's frustration with the situation and make a formal complaint.
46. On October 5, 2020, Plaintiff got a copy of a letter handed to her from Jeff Pearson ("Pearson"), Water Department Director, which was dated May 20, 2020, saying the sexual harassment investigation had been completed. Pearson and Thomas told Plaintiff that the "conclusion letter," dated May 20, 2020 would get to Plaintiff in the mail. However, Plaintiff has never received that letter.
47. Plaintiff never received anything prior to October 5, 2020, even though the letter was dated May 20, 2020, and there was no conclusion stated on the letter.
48. On December 28, 2020, Plaintiff received a letter from Atkinson's Investipro account with a Final Determination Letter attached. The notice letter was dated December 28, 2020, and states "The behavior and incident(s) reported were found to violate company policy."
49. Although Plaintiff received said notice on December 28, 2020, no corrective actions were taken, and no reasonable remedies were provided to Plaintiff.



50. On January 29, 2021, Plaintiff asked to speak with Dean Tanimoto ("Tanimoto"), Plaintiff's division chief, about the absence of communication at Plaintiff's workplace. Tanimoto and Lilia Hudson ("Hudson"), his secretary, met with Plaintiff in the conference room and when Plaintiff asked if Tanimoto could talk to Pearson, the Department Director, to find out what happened with Plaintiff's sexual harassment investigation, Tanimoto told Plaintiff, "No."
51. Plaintiff has never been informed what was being done as a result of the finding that, "The behavior and incident(s) reported were found to violate company policy."
52. Plaintiff's department had no sexual harassment training, that she knows of or was part of before Plaintiff's complaint, nor has there been any since the positive finding of sexual harassment.
53. Since the finding of inappropriate behavior there has been no mass email reminder to the department to be more appropriate in the workplace.
54. Furthermore, there has been no repercussions for Ignacio, that Plaintiff is aware of.
55. Ignacio proceeded to come to the lab every day to visit Amano in her office after Plaintiff made her complaint and after his "apology" in April of 2020.
56. While the investigation was going on, after the findings of sexual harassment was confirmed, and continuing to present day, Plaintiff has been subject to retaliation and unequal terms and conditions, including but not limited to, a lack of communication regarding Plaintiff's inquires to supervisors required to perform her job, being locked out of the lab, getting assignments changed drastically and not being provided certain assignments, getting assigned low level assignments that Plaintiff was never assigned before which are not appropriate to her job description and out of proportion compared to Plaintiff's colleagues, denied earned promotions, the rescinding of a temporarily assigned (TA) position which afforded Plaintiff higher pay and which she had been

performing prior to the complaint, and sent on dangerous route assignments alone when all other employees are sent in pairs.

57. Starting in May 2020, after interviews were conducted as a result of Plaintiff's sexual harassment complaint, Plaintiff's supervisor, Amano, has avoided communicating with Plaintiff, which is very different from how she behaved before the complaint was made. Prior to the complaint Plaintiff and Amano would eat lunch together almost every day in the breakroom and were on a group text message where they would constantly share things about the job. This stopped after the sexual harassment complaint was made.
58. This lack of communication became an issue in performing Plaintiff's work duties since it became common for Amano not to speak directly to Plaintiff for weeks at a time. If Amano had to tell Plaintiff something she would write it on a Post-It Note and hand it to Plaintiff or put it on a piece of paper for someone else to give to Plaintiff.
59. Plaintiff and Amano worked together in a very small space, and Amano still refused to communicate verbally with Plaintiff.
60. Plaintiff's assignments have been drastically changed since Plaintiff made the sexual harassment complaint. Plaintiff spent the majority of her time before making the sexual harassment complaint working in the lab at the base yard. However, employees in Plaintiff's position are sent into the field to do chlorine sampling. Since Plaintiff made the complaint, Amano sent Plaintiff out into the field, more than Plaintiff had ever been sent into the field before. Since Ignacio proceeded to still come to the lab every day, after Plaintiff made her complaint and his "apology" in April of 2020, to visit Amano so, Amano was removing Plaintiff from the lab and base yard.

61. When employees are sent into the field to do chlorine sampling, they check out their meters in a logbook for each employee. Plaintiff's logbook says from May 2019 until May 2020 she went out a total of 43 times. In the same timespan starting in June 2020 until June 2021, Plaintiff checked out her meter 137 times, more than tripling Plaintiff's field time.
62. Plaintiff wasn't given any explanation why this change was happening, but the change was so noticeable that many colleagues outside of Plaintiff's division commented on her new schedule without Plaintiff bringing it up.
63. Ignacio is the East Water Treatment Plant Operations/Maintenance Supervisor. For over a year, since Plaintiff made the sexual harassment complaint, Plaintiff has received assignments for West Water Treatment Plants (Mahinahina and Lahaina) but never East Water Treatment Plants ('Iao, Kamole, Pi'iholo or Olinda), where Ignacio is the supervisor.
64. The last time Plaintiff set foot in an East Water Treatment Plant ('Iao, Kamole, Pi'iholo, or Olinda WTPs), was May 2020. Again, Plaintiff wasn't given any explanation for this change.
65. Plaintiff's colleagues frequent all treatment plants in rotation. Prior to the sexual harassment complaint Plaintiff would do rotations at the East Water Treatment Plant but, since making the sexual harassment complaint against Ignacio, the supervisor there, it has been Plaintiff who is excluded from doing her job there.
66. An additional change to Plaintiff's assignments and duty, since making the sexual harassment complaint, has been to do "system checks." System checks are a daily assignment previously given to Laboratory Technicians, which is a level below Microbiologist I. However, the position of Laboratory Technician is no longer in existence as of 2018.
67. System checks involve flushing a hydrant and checking its chlorine level. This is the lowest level analysis that Plaintiff's laboratory performs and is given only at the end of the weeks when no

other sampling is needed. Checks are optional and data collection is not necessary to be reported to overseeing agencies.

68. Plaintiff is a Microbiologist II and for a 10-month period, from January 2021 – October 2021, Plaintiff was assigned system checks a total of 44 times.
69. Plaintiff's lower and equal level co-workers (Microbiologist I and II) were assigned this duty a total of 18-26 times at most.
70. Prior to Plaintiff's sexual harassment complaint, for the 10-month period before April 2020, Plaintiff's lower or equal level co-workers (Microbiologist I and II) were assigned this duty a total of 19-27 times max and Plaintiff was assigned system checks a total of zero (0) times.
71. The amount of system checks Plaintiff is now required to perform does not correspond to what Plaintiff's job description details and has gone from 0 assignments to this duty to 44 assignments, since filing the complaint.
72. Plaintiff's Water Microbiologist II job description states: This position, under the supervision of higher-level microbiologists, performs standard microbiological and chemical examinations of water samples in a laboratory, sets up laboratory procedures; assists with more complex investigations and analysis, and with assigned phases of research projects; and assists in a wide variety of field and laboratory tasks as required by the Safe Drinking Water Act and any amendments thereto."
73. Although Plaintiff understands that Microbiologists I and II are assigned these systems checks, Plaintiff assignments to this lower-level duty changed drastically after she filed the sexual harassment complaint. Again, Plaintiff was not given any explanation for this drastic change of assignment, which is also completely out of proportion (sometimes double) to her co-workers.

74. Microbiologists at the Department of Water Supply rotate monthly on day trips to Molokai to do water sampling. Plaintiff went on January 12, 2021. The trip was normal until Plaintiff arrived back in Kahului. Plaintiff's flight landed at 3:50 pm. Plaintiff drove the county jeep back to the lab to find Amano had locked the lab doors and everything turned off. Plaintiff wasn't given notice or any communication by Amano that Plaintiff needed to bring keys with her to let herself back into the lab upon returning from Molokai.
75. Employees are given a checklist for supplies to bring and keys to the lab are not listed on the checklist. On Plaintiff's and co-workers' previous trips, the return flight time from Molokai has been the same or even later. Amano has always waited for Plaintiff or other employees to come back before leaving/locking up. January 12, 2021 was the first time since Plaintiff made the sexual harassment complaint that she went to Molokai, and Plaintiff was locked out of the lab upon her return with no notice or direction to bring her keys with her.
76. In mid-January 2021, Bobby Vida ("Vida"), Field Operations Division Chief, approached Plaintiff and asked if she would be interested in a vacant warehouse position since the position is the same union as Plaintiff's current union and nobody was currently staffed there. Vida stated they urgently needed the help. Plaintiff had mentioned to Vida months prior she was interested in entering his division, Field Operations, if an opportunity ever arose. Therefore, Plaintiff told him she interested.
77. From January 19-22, 2021, Plaintiff emailed Geri Onaga ("Onaga"), Human Resources Specialist V, and Linette Suehiro ("Suehiro"), the Clerk for Field Operations, back and forth discussing logistics of the transfer. She was never told there was any problem with the transfer.
78. On January 28, 2021, Vida and Plaintiff's division Chief, Tanimoto, talked to Plaintiff about transferring and told her the position was ready for her to TA in but, now Amano has to approve

it. When Plaintiff went to talk to Amano that afternoon to see when Plaintiff could start to TA in that position, Amano told Plaintiff that she must give written confirmation of Plaintiff's resignation from her current position in order to do this TA position.

79. Onaga at Human Resources never told Plaintiff this was the case.

80. Amano was suddenly claiming that if Plaintiff was going to TA for another position, she would have to resign from Plaintiff's current position.

81. This "new" policy had never been discussed for any other transfer.

82. Amano claimed that Plaintiff was taking up space in the lab without letting the lab hire someone new. However, the lab already had two vacancies at the time which they hadn't tried to fill.

83. Amano also stated she could not allow Plaintiff to TA because that is not fair to anyone else wanting the same opportunity.

84. Again, it was Plaintiff who was approached about the position from Vida, the Division Chief, and asked if she wanted to transfer.

85. Plaintiff went back and talked to Vida, and now he told Plaintiff not to resign and the position was no longer open.

86. When Plaintiff went to speak to Tanimoto about what was going on he told Plaintiff he would not talk to Plaintiff about the situation.

87. From September 2018, Plaintiff was TA to the vacant Water Microbiologist III position. Plaintiff would rotate into this TA weekly with other level II microbiologist, and Plaintiff received a higher level pay when she did.

88. The most senior Water Microbiologist II accepted a position at a different department in February 2021, making Plaintiff the most senior Water Microbiologist II.

89. Since Plaintiff became the most senior Water Microbiologist II in February 2021, the TA position, which she had been performing for over 2 years, for the Water Microbiologist III position was suddenly removed without notice.
90. The Water Microbiologist III position is still there, but the position remains vacant and has not been opened for application.
91. When Plaintiff asked her supervisor, Amano, in March 2021 what happened to the level III TA position, Amano said, "We are reevaluating the position." That is the last Plaintiff heard about it.
92. The vacant level II position has been filled since February 2021 but since Plaintiff became the most senior level II, the vacant level III has not been opened.
93. On April 19, 2021, Plaintiff received a consumer complaint from Amano about high pH water in the Upper Kula system. After a few days of making phone calls to the Upper Kula system's treatment plant (Olinda WTP), which is under Ignacio, that went unanswered, Plaintiff called Kelly Wright ("Wright"), Assistant to the East Water Treatment Plant Operations/Maintenance Supervisor (Ignacio), directly. Wright informed Plaintiff of a rule that the State Department of Health ("DOH") had put into place that had to do with the pH but he did not know the specifics.
94. Plaintiff called and emailed with DOH for further explanation about the rule and issue Plaintiff was facing. After some back and forth, it was suggested that the directive was out of Plaintiff's jurisdiction, so Plaintiff forwarded the information she had gathered to Amano and Tanimoto, on May 5, 2021.
95. As a result, Amano reprimanded Plaintiff for going to a state official before going to her. Plaintiff reminded Amano that she did ask Amano for information about the water at the time of the call and Amano instructed Plaintiff to give answers like "I don't know." Plaintiff told Amano she wasn't okay giving those kinds of answers when Plaintiff has the ability to figure them out.

96. Plaintiff was performing her job and was reprimanded.
97. When Plaintiff told Amano it was difficult to reach Olinda WTP, where Ignacio is the supervisor, Amano instructed Plaintiff to email Ignacio and Wright, with Amano cc'd anytime Plaintiff has questions about Kula water systems. As a result, on May 19, 2021, Plaintiff emailed Ignacio and Wright with Amano cc'd asking about Olinda WTP data and what phone number to use to contact the plant because Plaintiff wasn't getting responses. Plaintiff's email went unanswered.
98. Plaintiff again followed up on June 3, 2021, and that email was also unanswered.
99. Plaintiff's phone calls to Olinda WTP have gone unanswered as well.
100. Plaintiff cannot answer water quality questions about locations in the Kula system without the Olinda WTP data because the lab does not have access to that information. The people connected with the sexual harassment complaint Plaintiff made (Ignacio and Amano) refuse to answer Plaintiff's emails or phone calls.
101. Due to this hostile work environment Plaintiff is unable to adequately perform her job.
102. In April 2021, Plaintiff applied to be a West Water Treatment Plant trainee.
103. Plaintiff passed the qualifying exam in May 2021 and on June 17, 2021, Plaintiff had her interview at Mahinahina Treatment Plant.
104. At the interview, Plaintiff's panel consisted of Miki Mukai ("Mukai"), Water Treatment Plant Operator II, Patrick Hannon ("Hannon"), Water Treatment Plant Trainee, Chris Retuta ("Retuta"), West Water Treatment Plant Operations/Maintenance Supervisor, and Brandon Wong ("Wong"), Water Treatment Plant Operator IV.



105. Jason Koskey (“Koskey”), West Water Treatment Plant Operation/Maintenance Supervisor was present at the plant but wasn't sitting in on Plaintiff's interview panel for an unexplained reason. He should have been sitting on the interview panel.
106. On July 14, 2021, Plaintiff was informed by Jason Moore (“Moore”), County of Maui EEO specialist, that Adam Mundy (“Mundy”), Administrative Officer, had told him the position was not offered to Plaintiff due to a bad reference.
107. Prior to making the sexual harassment complaint, Plaintiff had never received a bad reference and had been working for the same employer for approximate four years at the time of the interview.
108. As far as Plaintiff knows, since making the sexual harassment complaint, she has never performed her job poorly or been told she is performing poorly.
109. Plaintiff emailed Mundy on July 16, 2021, to find out who provided the negative reference. Mundy told Plaintiff that information is only held with the division.
110. Plaintiff then emailed Retuta and Koskey asking if they could tell Plaintiff who had given her a bad reference.
111. On July 18, 2021, Koskey informed Plaintiff in an email that she was not privy to that information.
112. The well sampling route that begins at Kupa'a had been deemed "dangerous" by Cari Sumabat (“Sumabat”), Plaintiff's previous lab supervisor, and Amano, the current supervisor. For this reason, the supervisors determined, as a rule, that samplers are sent in pairs on this route. For all of 2021, every Kupa'a route sampler has been sent in a pair, except for Plaintiff.
113. On October 4, 2021, Plaintiff was sent to the "dangerous" site on her own with no explanation of why and with no direction.

114. On October 8, 2021, Plaintiff took sick leave from 1130-1230 for a personal appointment.  
Employees are allotted, per Amano and Tanimoto, 1 hour of lunch every workday by combining two 15 minute breaks with the employees 0.5-hour lunch.
115. Plaintiff's appointment ran longer than expected and in the past, it was okay with Amano and other supervisors to add extra leave time if an appointment ran long. Plaintiff returned at 1330 and emailed Amano to add an extra 0.5 hour to my sick leave to make it 1130-1300.
116. Amano told Plaintiff, in an email, she must use 2 hours of sick leave from 1130-1330.
117. Plaintiff responded and asked Amano if that means she only gets 0.5-hour lunch that day while everyone else gets 1 hour for lunch?
118. Amano did not respond to this email and question.
119. Plaintiff did what Amano asked and changed her sick leave to 1130-1330, two hours.
120. On October 18, 2021, Amano called Plaintiff into her office to correct the timesheet leave.  
When Plaintiff asked again if it meant that Plaintiff only gets 0.5-hour lunch while everyone else gets 1 hour lunch, Amano responded, "yes."
121. Plaintiff told Amano that her appointment was actually at 1100 and lasted until 1300 and asked if she should not get any lunch the next time Plaintiff has an appointment at 11. Amano stated to Plaintiff that it is Plaintiff's fault for scheduling an appointment during lunch hour.
122. Defendant's continuous actions against Plaintiff, after the sexual harassment complaint was made and it was determined that "The behavior and incident(s) reported were found to violate company policy" has been improper, retaliatory, pervasive, and motivated by ill-will and malice toward Plaintiff.
123. As a result of Defendant's retaliatory actions, Plaintiff has been depressed, stressed about going to work, suffers from Post Traumatic Stress Disorder, and feels hopeless about being able to

advance or find another job due to the fact that Defendant is intent on not recommending, punishing, reprimanding, and finding fault in Plaintiff and her work.

124. Plaintiff has sought independent mental health counseling to deal with the stress, anxiety, loss of sleep, depression and hopelessness she is experiencing as a direct result of the consistent retaliatory and hostile behavior she has received and continues to receive at work since making a claim of sexual harassment in April 2020.
125. On or about July 21, 2021, Plaintiff filed a discrimination complaint with the Hawaii Civil Rights Commission (“HCRC”).

### **COUNT I**

#### **HOSTILE AND/OR SEXUALLY HOSTILE WORK ENVIRONMENT UNDER H.R.S. §§378-1 AND 378-2**

126. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1-125 as though fully alleged herein.
127. Plaintiff has a right to a safe workplace and to be free from a hostile and/or sexually hostile work environment in her workplace.
128. Defendant failed, neglected, and/or refused to give Plaintiff a safe and non-hostile work environment.
129. Defendant continually and repeatedly subjected Plaintiff to a hostile or sexually hostile work environment.
130. As a direct and proximate result of Defendant’s wrongful conduct, Plaintiff is entitled to recover monetary damages therefor from Defendant including, but not limited to, lost wages, compensatory damages, special damages, general damages, and/or punitive damages in amounts as shall be shown at a trial or hearing hereof.

**COUNT II**  
SEX DISCRIMINATION  
UNDER H.R.S. §§378-1 AND 378-2

131. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1-130 as though fully alleged herein.
132. Plaintiff is a member of a protected class.
133. Plaintiff is qualified for her job.
134. Defendant at all relevant times herein unlawfully discriminated against Plaintiff because of her sex (female), in violation of Title VII, Civil Rights Act of 1964 (42 U.S.C. §22e-2).
135. Plaintiff was subject to adverse employment action.
136. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff is entitled to recover monetary damages therefor from Defendant including, but not limited to, lost wages, compensatory damages, special damages, general damages, and/or punitive damages in amounts as shall be shown at a trial or hearing hereof.

**COUNT III**  
RETALIATION  
UNDER H.R.S. §§378-1 AND 378-2

137. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1-136 as though fully alleged herein.
138. At all relevant times herein, Plaintiff had a right to be free from retaliation for complaining about sexual harassment and a hostile or sexually hostile work environment.
139. Defendant violated Plaintiff's rights by retaliating against her by subjecting her to unequal terms and conditions of employment, to include but not limited to, being assigned different jobs than she was before making a complaint, receiving different duties, being excluded from a certain

location and position, being treated differently than similarly situated employees, being “iced out” by certain coworkers, and/or being left off communications.

140. As a direct and proximate result of Defendant’s wrongful conduct, Plaintiff is entitled to recover monetary damages therefor from Defendant including, but not limited to, lost wages, compensatory damages, special damages, general damages, and/or punitive damages in amounts as shall be shown at a trial or hearing hereof.

#### **COUNT IV**

##### **NEGLIGENT TRAINING, RETENTION, AND/OR SUPERVISION**

141. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1-140 as though fully alleged herein.
142. Defendant failed, neglected, and/or refused to train and supervise its employees, agents, and/or representatives to comply with the requirements of applicable laws, rules, and regulations regarding employee’s rights and obligations, including, but not limited to, fair and equal treatment, sex discrimination, sexual harassment, and retaliation.
143. Defendant failed, neglected, and/or refused to discipline and/or terminate and instead retained offending employees who violated Plaintiff’s legal rights.
144. Defendant’s wrongful acts and/or omissions against Plaintiff constitute negligent training, retention, and/or supervision.
145. As a direct and proximate result of Defendant’s wrongful conduct, Plaintiff is entitled to recover monetary damages therefor from Defendant including, but not limited to, lost wages, compensatory damages, special damages, general damages, and/or punitive damages in amounts as shall be shown at a trial or hearing hereof.

**COUNT V**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

146. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1-145 as though fully alleged herein.
147. Defendant's wrongful conduct was intentional.
148. Defendant's conduct was outrageous, beyond bounds of decency, willful and wanton, and/or malicious.
149. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff is entitled to recover special damages, general damages, and punitive damages in amounts as shall be shown at a trial or hearing hereof.

**COUNT VI**

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

150. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1-149 as though fully alleged herein.
151. Defendant caused Plaintiff to suffer serious emotional distress or disturbance.
152. Defendant caused Plaintiff to suffer mental pain, anguish, and/or illness.
153. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff is entitled to recover special damages and general damages in amounts as shall be shown at a trial or hearing hereof.

**COUNT VII**

**RESPONDEAT SUPERIOR AND/OR VICARIOUS LIABILITY**

154. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1-153 as though fully alleged herein.
155. Defendant is liable for all the wrongful acts and/or omissions of its employees, agents, and/or representatives under the doctrine of respondeat superior liability and/or vicarious liability.


156. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff is entitled to recover special and general damages in such amounts as shall be shown at trial or hearing hereof.



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for Judgement in her favor and against Defendants, as follows:

- A. Lost wages in an amount to be determined at a trial or hearing hereof;
- B. Compensatory damages for pain and suffering and Post Traumatic Stress Disorder in an amount to be determined at a trial or hearing hereof;
- C. Special damages in an amount to be determined at a trial or hearing hereof;
- D. General damages in an amount to be determined at a trial or hearing hereof;
- E. Actual damages in an amount to be determined at a trial or hearing hereof;
- F. Award payment of Plaintiff's litigation costs, including reasonable expert and attorney's fees;
- G. Pre-judgement interest;
- H. Punitive damages as the actions of Defendants as described above were done with malice, showed a reckless indifference to Plaintiff's rights, are oppressive, outrageous, and otherwise characterized by aggravating circumstances sufficient to justify the imposition of punitive or exemplary damages; and
- I. Any and all other relief as may be deemed just and equitable by the Court.

DATED: Wailuku, Maui, Hawaii, December 10, 2021.

  
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KRISTIN COCCARO  
Attorney for Plaintiff

<b>STATE OF HAWAI'I CIRCUIT COURT OF THE SECOND CIRCUIT</b>	<b>SUMMONS</b> TO ANSWER CIVIL COMPLAINT		
CASE NUMBER	PLAINTIFF'S NAME & ADDRESS, TEL. NO.  KRISTIN COCCARO 8061 EMPIRE LAW, LLLC PO Box 880831 Pukalani, HI 96788 Phone: (808) 633-8542 Fax: (808) 466-3622 Email: kristin@empire-law.com		
PLAINTIFF  KAMALANI T. UEHARA			
DEFENDANT(S)  COUNTY OF MAUI; DEPARTMENT OF WATER SUPPLY; DOE DEFENDANTS 1-10			
<b>TO THE ABOVE-NAMED DEFENDANT(S)</b>			
<p>You are hereby summoned and required to filed with the court and serve upon</p> KRISTIN COCCARO EMPIRE LAW, LLLC PO Box 880831 Pukalani, HI 96788			
<hr/> plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.			
<p><b>THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.</b></p>			
<p><b>A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.</b></p>			
DATE ISSUED      12/08/2021  _____	<div style="border: 1px solid black; padding: 5px;"> <p>Effective Date of 28-Oct-2019  Signed by: /s/ D. Pellazar Clerk,  2nd Circuit, State of Hawai'i</p>  </div>		
<div style="display: flex; align-items: center;">  <p>If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:  Call (808) 244-2855 FAX (808) 244-2932 OR Send an e-mail to: <a href="mailto:adarequest@courts.hawaii.gov">adarequest@courts.hawaii.gov</a>. The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.</p> </div>			