

RECEIVED

REQUEST FOR LEGAL SERVICES

Date: August 14, 2019
From: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

2019 AUG 20 AM 7: 26

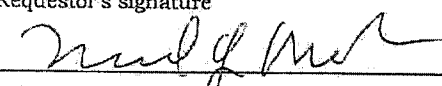
OFFICE OF THE
COUNTY COUNCIL

TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Caleb Rowe, Esq.

Subject: LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: MAX WOLFE; CLAIM B811500035-0003-01) (GET-11(13))

Background Data: Please revise proposed resolution as reflected in the attached markup. Please double check claim number (inconsistently cited between transmittal memo and resolution) and name of street at which incident allegedly occurred. A hard copy of the revised proposed resolution, approved as to form and legality, is requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Michael J. Molina	Contact Person <u>Carla Nakata or David Raatz</u> (Telephone Extension: 7659 or 7664, respectively)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): _____
REASON: _____

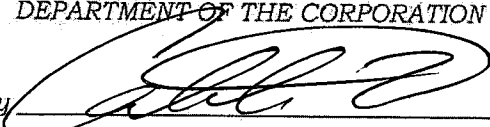
FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>CPR</u>	ASSIGNMENT NO. <u>2018-0355</u>	BY: <u>JEO</u>
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): Made requested changes. Confirmed Hanalei Place rather than Hanalei Street

Date 8/19/19

DEPARTMENT OF THE CORPORATION COUNSEL
By 

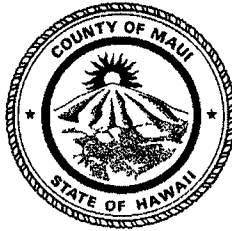
(Rev. 7/03)

MICHAEL P. VICTORINO
Mayor

MOANA M. LUTEY
Acting Corporation Counsel

EDWARD S. KUSHI, JR.
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
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DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
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TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

August 19, 2019

MEMORANDUM

TO: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

FROM: Caleb P. Rowe, Deputy Corporation Counsel 

SUBJECT: Litigation Matters – Settlement of Claims and Lawsuits (GET-11)
Settlement of Claim No.: B811500035-0003-01 of Max Wolfe

Pursuant to Section 3.16.020B of the Maui County Code, our department hereby requests authorization to discuss settlement of the aforementioned claim. It is anticipated that 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 the Committee. There is no immediate deadline to this matter.

Copies of the claim and proposed Resolution are enclosed. If you have any questions, or concerns, please do not hesitate to contact me.

CPR:chs
Enclosure

cc: Karla Peters, Director
Department of Parks and Recreation

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. B811500035-0003-01 OF MAX WOLFE

WHEREAS, Max Wolfe filed Claim No. B811500035-0003-01 on October 26, 2018, against the County of Maui for injuries he allegedly sustained at the intersection of Mokuhau Road and Hanalei Place, Wailuku, Maui, Hawaii, on January 11, 2018, involving a Maui County fleet vehicle with a trailer, being operated by a County employee; and

WHEREAS, the County of Maui and Max Wolfe, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a proposed resolution of this claim by way of negotiated settlement; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this claim, under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

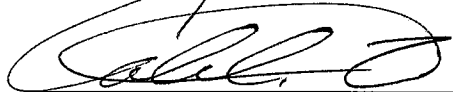
1. That it hereby approves settlement of Claim No. B811500035-0003-01 under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

Resolution No. _____

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release and Indemnity Agreement" by Max Wolfe; and

3. That certified copies of this Resolution be transmitted to the Mayor; the Director of Finance; the Director of Parks and Recreation; and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read "Caleb P. Rowe", is written over a horizontal line.

CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
2018-0355