

Resolution

No. 25-184

AUTHORIZING SETTLEMENT OF *CHRISTOPHER SALEM v. COUNTY OF MAUI, ET AL.*, CIVIL 2CCV-21-0000048(2)

WHEREAS, Plaintiff Christopher Salem filed a lawsuit in the Circuit Court of the Second Circuit in the State of Hawaii on February 18, 2021, Civil Case 2CCV-21-0000048(2) (“Court”), and a First Amended Complaint on November 9, 2021, against the County of Maui, Michael P. Victorino, individually and in his official capacity, and Michele McLean, in her official capacity as Director of the Department of Planning, claiming breach of contract, tortious injury, and unlawful termination, and seeking special, general, and punitive damages, and declaratory and injunctive relief; and

WHEREAS, the Second Circuit Court, by order dated November 8, 2023 in *Christopher Salem v. County of Maui, et al.*, substituted Richard T. Bissen, Jr. in his official capacity for Michael P. Victorino in his official capacity, and Kathleen Aoki in her official capacity as Director of the Department of Planning for Michele C. McLean in her official capacity, and by order dated March 6, 2024 substituted Kate Blystone in her official capacity as Director of the Department of Planning for Kathleen Aoki; and

WHEREAS, the Second Circuit Court ordered a Court conducted a settlement conference in *Christopher Salem v. County of Maui, et al.* that was ultimately scheduled for February 9, 2024; and

WHEREAS, the Council, at its December 1, 2023, meeting approved Resolution 23-227 that granted Special Counsel for the County of Maui, Kobayashi, Sugita & Goda, LLP, authority to settle *Christopher Salem v. County of Maui, et al.* under the terms set forth in a November 28, 2023, executive meeting of the Government Relations, Ethics, and Transparency Committee; and

WHEREAS, the County of Maui and Plaintiff Christopher Salem participated in the Second Circuit Court settlement conference on February 9, 2024, which was unsuccessful; and

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WHEREAS, Plaintiff Christopher Salem sent Special Counsel for the County of Maui, Kobayashi, Sugita & Goda, LLP, a written settlement demand dated March 21, 2024; and

WHEREAS, the Council, at its September 27, 2024, meeting approved Resolution 24-81 that granted Special Counsel for the County of Maui, Kobayashi, Sugita & Goda, LLP, authority to settle Christopher Salem v. County of Maui, et al. under the terms set forth in a September 10, 2024 executive meeting of the Government Relations, Ethics, and Transparency Committee; and

WHEREAS, the Second Circuit Court, by order dated October 21, 2024, granted the County of Maui's motion for summary judgment in favor of the County on all claims raised in Count III of Plaintiff's First Amended Complaint in Christopher Salem v. County of Maui, et al.; and

WHEREAS, the Second Circuit Court scheduled a June 23, 2025, jury trial on the claims remaining in Plaintiff Christopher Salem's First Amended Complaint in Christopher Salem v. County of Maui, et al.; and

WHEREAS, on June 5, 2025, the County served Plaintiff Christopher Salem with a Hawaii Rules of Civil Procedure, Rule 68 Offer of Settlement; and

WHEREAS, Plaintiff Christopher Salem sent Special Counsel for the County of Maui, Kobayashi, Sugita & Goda, LLP, a written settlement demand dated June 15, 2025; and

WHEREAS, on June 18, 2025, the Second Circuit Court continued the June 23, 2025, jury trial in Christopher Salem v. County of Maui, et al. to a date to be determined and ordered the parties to another Court conducted settlement conference to be held on November 11, 2025; and

WHEREAS, the County of Maui, to avoid incurring further expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, has sought to attempt to reach a resolution of this case by way of a negotiated settlement, Offer of Judgment, or Offer of Settlement; and

WHEREAS, Special Counsel for the County of Maui, Kobayashi, Sugita & Goda, LLP has requested authority to settle this case under the terms set forth in an executive meeting before the Government Relations, Ethics, and Transparency Committee; and

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WHEREAS, the County of Maui, to avoid incurring further expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this case by way of a negotiated settlement, Offer of Judgment, or Offer of Settlement; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement, Offer of Judgment, or Offer of Settlement by Special Counsel for the County of Maui, Kobayashi, Sugita & Goda LLP, the Council wishes to grant settlement authority to Special Counsel for the County; now, therefore,

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

1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Government Relations, Ethics, and Transparency Committee;
2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case;
3. That it hereby authorizes the Director of Finance of the County of Maui to satisfy said settlement of this case; and
4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Corporation Counsel, and Kobayashi Sugita & Goda, LLP.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "John J. Gores", is written over a horizontal line.

JOHN J. GORES

Department of the Corporation Counsel
County of Maui

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris R. Lee", is written over a horizontal line.

Upon the request of the Mayor.