

Resolution

No. 24-137

AUTHORIZING SETTLEMENT OF LLOYD ADAMS, ET AL. V. TIMOTHY FORSBERG, ET AL. V. MAUI POLICE DEPARTMENT AND ANTHONY BUCHANAN, CIVIL NO. 2CC16-1-0000162

WHEREAS, Plaintiffs Lloyd Adams and Amanda Adams (“Plaintiffs”) filed a Complaint in Second Circuit Court, State of Hawaii on March 30, 2016, Civil No. 2CC16-1-0000162, against Defendant Timothy Forsberg (“Defendant Forsberg”), alleging negligence from a motor vehicle versus pedestrian accident that occurred on March 26, 2015 in Hoolehua, Molokai, Hawaii; and

WHEREAS, Plaintiffs filed a First Amended Complaint on October 10, 2019 adding the Maui Police Department and Anthony Buchanan, in his official capacity as a Maui Police Department police officer (collectively referred to as “the County”), as additional defendants in negligence;

WHEREAS, the Court on March 12, 2020 granted the County’s Motion to Dismiss First Amended Complaint on statute of limitations grounds; and

WHEREAS, Defendant Forsberg filed a Third-Party Complaint against the County on March 19, 2020 alleging negligence against Officer Anthony Buchanan, and alleging vicarious liability and negligent training against the Maui Police Department; and

WHEREAS, the County of Maui, to avoid incurring 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 or Offer of Judgment; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms in an executive meeting before the Government Relations, Ethics, and Transparency Committee; 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 or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

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

1. That it approves settlement of Lloyd Adams, et al. v. Timothy Forsberg, et al. v. Maui Police Department and Anthony Buchanan, under the terms discussed in an executive meeting before its Government Relations, Ethics, and Transparency Committee;
2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval;
3. That it authorizes the Director of Finance of the County of Maui to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval; and
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



GLEN R. PASCUAL
Deputy Corporation Counsel
County of Maui

LF-6062

INTRODUCED BY:

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

Upon the request of the Mayor.