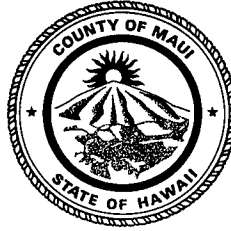


PRL-1(4)

ALAN M. ARAKAWA  
Mayor



PATRICK K. WONG  
Corporation Counsel

EDWARD S. KUSHI  
First Deputy

LYDIA A. TODA  
Risk Management Officer  
Tel. No. (808) 270-7535  
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: CORPCOUN@MAUICOUNTY.GOV  
TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

RECEIVED  
2017 FEB - 7 PM 4: 02  
OFFICE OF THE  
COUNTY COUNCIL

February 7, 2017

MEMO TO: Don S. Guzman, Chair  
Parks, Recreation, Energy, and Legal Affairs Committee

FROM: Moana M. Lutey, Deputy Corporation Counsel

SUBJECT: LITIGATION MATTERS - Settlement of Claims and Lawsuits  
(PRL-1)  
Settlement of Claim: Lehuamakanoe Verkerke  
Claim No.: 30153618793-0001

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. We request that a representative from the Department of Parks and Recreation be in attendance during discussion of this matter. If you have any questions, or concerns, please do not hesitate to contact me.

cc: Butch Ka'ala Buenconsejo, Director  
Department of Parks and Recreation

MML:cs

# Resolution

No. \_\_\_\_\_

AUTHORIZING SETTLEMENT OF CLAIM NO. 30153618793-0001  
BY LEHUAMAKANOE VERKERKE

WHEREAS, Lehuamakanoe Verkerke filed Claim No. 30153618793-0001 on March 9, 2015, against the County of Maui for damages to her property located at 73 Ili Kupono Street, Wailuku, Maui, Hawaii, resulting from tree root damage; and

WHEREAS, the County of Maui and Lehuamakanoe Verkerke, 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 claim by way of a negotiated settlement; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs 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 discuss a settlement offer; now, therefore,

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

1. That it hereby approves settlement of Claim No. 30153618793-0001 under the terms set forth in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs Committee; and

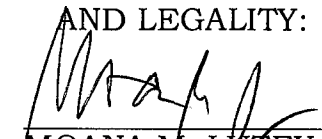
**Resolution No. \_\_\_\_\_**

2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

3. That it hereby authorizes the Director of the Department of Finance of the County of Maui to satisfy said settlement of this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Department of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
MOANA M. LUTEY  
Deputy Corporation Counsel  
County of Maui

RISK 2015-0143

DANNY A. MATEO  
County Clerk



RECEIVED JOSIAH K. NISHITA  
CORPORATION COUNSEL Deputy County Clerk

2015 MAR -9 PM 4: 05

OFFICE OF THE COUNTY CLERK  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
www.mauicounty.gov/county/clerk

LT 1/ 3-10-15  
JK email 3-10-  
to ML 3-10-

March 9, 2015

Notice of 1st Rep of  
rcic 3-9-15

Sedgwick Claims Management Services, Inc.  
Via email: [6395CountyofMaui@sedgwickcms.com](mailto:6395CountyofMaui@sedgwickcms.com)

Attn: Unit Code 99

Respectfully transmitted is a copy of a claim against the County of Maui filed by Lehuamakanoe Verkerke, of 73 Ili Kupono Street, Wailuku, which was received by our office on March 9, 2015.

Respectfully,

DANNY A. MATEO  
County Clerk

Attachment

cc: Mayor  
✓ Corporation Counsel  
Council Chair

/lks

RECEIVED  
2015 MAR -9 PM 4: 32  
CORPORATION COUNSEL  
NISHITA, JOSIAH

COUNTY OF MAUI  
CLAIM FOR DAMAGE OR INJURY

RECEIVED  
2015 MAR -9 AM 11:01  
OFFICE OF THE  
COUNTY CLERK

PLEASE PRINT CLEARLY

1. Claimant: Mr.  Mrs.  Ms.  Lehuamalanee Verjee  
2. Address: 73 Ili KUPONO Street  
3. Telephone No.: Business \_\_\_\_\_ Residence 281 5859  
4. Date of Accident: JANUARY 2014 - present  
5. Location of Accident: Backyard of house  
6. Amount of Claim: Property Damage \$ estimates coming Personal Injury \$ \_\_\_\_\_

7. Describe the accident in detail. Indicate all the facts, causes, persons involved, witnesses, extent of damage, etc., and why you think the County is responsible. You may write on the back if needed.

There is a tree on county property on Waiko Road whose roots have infiltrated my backyard. I contacted David Sakoda, the county's arborist, over a year ago to explain how the tree's huge roots were beginning to push up concrete back patio. Nothing was done even after various follow up calls. Now, a year later, the tree's roots have pushed up and cracked a rock →

8. If you carry insurance applicable to this claim, please provide the name and address of the insurance company and your policy number.

\_\_\_\_\_ Policy No. \_\_\_\_\_

A. Did you file a claim with your insurance company? NO  
If yes, amount claimed \$ \_\_\_\_\_ Deductible amount \$ \_\_\_\_\_

B. If a claim was filed with your insurance company, what action do they intend to take?  
HOME OWNER'S INSURANCE DOES NOT COVER UNDERGROUND / GROUND MOVEMENT DAMAGE. THEY SAID IT IS THE RESPONSIBILITY OF THE TREE OWNER.

I HEREBY DECLARE THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

Lehuamalanee Verjee  
(Signature of Claimant)

3/9/15  
(Date)