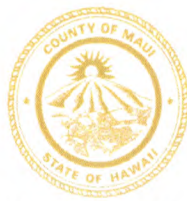


MICHAEL P. VICTORINO
Mayor

MOANA M. LUTEY
Corporation Counsel

EDWARD S. KUSHI, JR.
First Deputy

LYDIA A. TODA
Risk Management Officer



RECEIVED

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

2019 JUN 7 PM 3:05

OFFICE OF THE
COUNTY COUNCIL

June 7, 2019

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

FROM: Brian A. Bilberry, Deputy Corporation Counsel

A handwritten signature in black ink, appearing to be "BA Bilberry", is written over the "FROM:" line.

SUBJECT: LITIGATION MATTERS – Settlement of Claims and Lawsuits
(GET-11(51)) AUTHORIZING SETTLEMENT OF COUNTY OF MAUI
vs. PEDRO TOLENTINO, JR. ET AL., CIVIL NO. 18-1-0124(1)

Transmitting revised Resolution entitled Authorizing Settlement of County of Maui vs. Petro Tolentino, Jr. et al., Civil No. 18-1-0124(1), per your June 5, 2019 request.

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
COUNTY OF MAUI vs. PEDRO TOLENTINO, JR., ET AL.,
CIVIL NO. 18-1-0124(1)

WHEREAS, Plaintiff County of Maui and Department of Planning filed a Complaint in the Circuit Court of the Second Circuit, State of Hawaii, on March 15, 2018, Civil No. 18-1-0124(1), against Defendants Pedro Tolentino, Jr., and Eddie Braceros Tolentino, to obtain an injunction to enforce compliance with the Maui County Code provisions which the Defendants Tolentinos were violating, and to enforce payment of the civil fines for said County Code violations;

WHEREAS, Defendants filed their Answers on May 14, 2018; 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 and stipulated dismissal; and

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

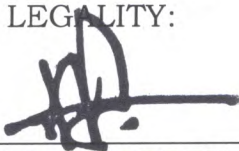
Resolution No. _____

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised by the Department of the Corporation Counsel, the Council wishes to authorize the settlement and stipulated dismissal; now, therefore,

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

1. That it approves settlement and stipulated dismissal of this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and
2. That it further authorizes the Mayor to execute a Stipulation for Dismissal on behalf of the County in this case; and
3. That it hereby authorizes the Director of Finance to satisfy as necessary said stipulated dismissal of this case, and
4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Planning Director, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



BRIAN A. BILBERRY
Deputy Corporation Counsel
County of Maui