

Resolution

No. 24-162

AUTHORIZING SETTLEMENT OF JULIEANN NAKI, INDIVIDUALLY, AND AS SPECIAL ADMINISTRATOR OF THE ESTATE OF NATHANIEL JOSHUA NA WA'E, WA'E MAKALA KA KAI NAKI, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL CV-23-00383-HG-WRP

WHEREAS, Plaintiffs Julieann Naki, Individually, and as Special Administrator of the Estate of Nathaniel Joshua Na Wa'e Wa'e Makala Ka Kai Naki, et al., (collectively, "Plaintiffs") filed a Complaint in the United States District Court, State of Hawaii on September 14, 2023, in case Civil CV-23-00383-HG-WRP, against Defendants County of Maui, Maui Police Officer Frederick Welch ("Officer Welch"), and Maui Police Officer Nathanael Gandeza ("Officer Gandeza"). Plaintiffs allege that Officer Welch and Officer Gandeza unlawfully shot Nathaniel Na Wa'e Wa'e Makala Ka Kai Naki ("Decedent") on the Island of Molokai on April 30, 2023, and that the injuries suffered resulted in the Decedent's death; 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 presented 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,

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

1. That, under Chapter 3.16, Maui County Code, it approves settlement of Julieann Naki, Individually, and as Special Administrator of the Estate of Nathaniel Joshua Na Wa'e Wa'e Makala Ka Kai Naki, et al. v. County of Maui, et al., Civil CV-23-00383-HG-WRP, under the terms discussed in an

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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 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:



BRADLEY J. SOVA
Deputy Corporation Counsel
County of Maui

LF-7966

INTRODUCED BY:

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

Upon the request of the Mayor.