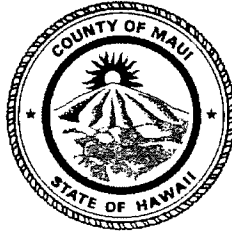


ALAN M. ARAKAWA  
Mayor



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

OFFICE OF THE  
COUNTY COUNCIL

2017 OCT -6 AM 11:45

RECEIVED

October 5, 2017

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

FROM: Brian A. Bilberry  
Deputy Corporation Counsel

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

SUBJECT: Litigation Matter – (STATUS AND SETTLEMENT AUTHORIZATION:  
DUKIE J. RACADIO V. COUNTY OF MAUI, et al.; CIVIL 14-1-0451(2) (PRL-  
1(26))

Our Department respectfully requests the opportunity to discuss with the Committee the litigation of the above-referenced case, update on the status of the evidence identified by the Department of Corporation Counsel as to liability to date, and the status of mediation and settlement negotiations prior to the November 6, 2017 trial date. Plaintiff has brought a discrimination claim, following termination from employment with the Maui Police Department owing to a disqualifying medical condition. We would like this matter heard at the October 17, 2017 committee meeting, and in any event prior to trial on November 6, 2017.

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.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated assistance in this matter.

Attachment

# Resolution

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

AUTHORIZING SETTLEMENT OF  
DUKIE RACADIO v. COUNTY OF MAUI, ET AL.,  
CIVIL NO. 14-1-0451(2)

WHEREAS, Plaintiff Dukie J .Racadio filed a lawsuit in the Second Circuit Court of the State of Hawaii, Civil No. 14-1-0451(2), against the County of Maui on August 1, 2014, asserting a discrimination claim, following termination from employment with the Maui Police Department owing to a disqualifying medical condition; and

WHEREAS, by Resolutions 16-2 and 17-95, the Council previously authorized settlement of the case; and

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

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under terms set forth and discussed in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs 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 Settlement by the Department of the Corporation Counsel, the Council wishes to discuss the

terms of settlement; 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 Parks, Recreation, Energy, and Legal Affairs Committee; and

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 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 Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
BRIAN A. BERRY  
Deputy Corporation Counsel  
County of Maui