

Resolution

No. 23-229

AUTHORIZING SETTLEMENT OF
LOU BAFFA V. COUNTY OF MAUI AND MAUI ELECTRIC CO. LTD.,
CASE NO. 2CCV-22-00163

WHEREAS, Plaintiff Lou Baffa filed a complaint in Second Circuit Court, State of Hawaii, on June 22, 2022, Case No. 2CCV-22-000163, against the County of Maui and Maui Electric Company, Limited, alleging personal injury from an incident that occurred while walking on the Front Street sidewalk in front of the Wharf Cinema Center in Lahaina, Maui, Hawaii, on December 29, 2020; 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;

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Now; therefore,

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

1. That it approves settlement of Lou Baffa v. County of Maui, et al. 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 authority;
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 authority; and
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



JOHN J. GORES
Deputy Corporation Counsel
County of Maui
LIT-7828

INTRODUCED BY:

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

Upon the request of the Mayor.