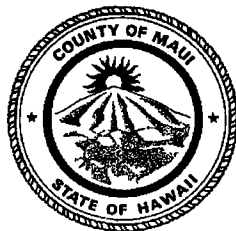


ALAN M. ARAKAWA  
Mayor

RECEIVED

2017 NOV -8 AM 11:15



OFFICE OF THE  
COUNTY COUNCIL

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


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

November 8, 2017

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

FROM: Moana M. Lutey, Esq.   
Deputy Corporation Counsel

SUBJECT: LITIGATION MATTERS – Settlement of Claims and Lawsuits  
PRL (1)

SETTLEMENT OF CLAIM: AUTHORIZING SETTLEMENT OF CLAIM  
NO.: 30178022844-0001 OF ENTERPRISE RENT-A-CAR

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 Fire and Public Safety be in attendance during discussion of this matter. If you have any questions, or concerns, please do not hesitate to contact me.

cc: Jeffrey A. Murray, Fire Chief

MML:cs  
Enclosures

# Resolution

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

AUTHORIZING SETTLEMENT OF CLAIM NO. 30178022844-0001  
OF ENTERPRISE RENT-A-CAR

WHEREAS, Enterprise Rent-A-Car filed Claim No. 30178022844-0001 against the County of Maui on June 8, 2017, for damages to their property caused by a motor vehicle accident involving an employee of the Department of Fire and Public Safety that occurred in Hilo, Hawaii, on May 10, 2017; and

WHEREAS, the County of Maui and Enterprise Rent-A-Car, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a proposed resolution of this claim by way of a negotiated settlement; 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 authorize settlement; now, therefore,

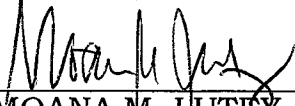
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves settlement of Enterprise Rent-A-Car's Claim No. 30178022844-0001 in the amount of \$13,714.20; and
2. That payment is authorized to satisfy settlement of this claim following the execution of a Release of Property Damage Claim by Enterprise Rent-A-Car; and

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

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Fire Chief, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
MOANA M. LUTELY  
Deputy Corporation Counsel  
County of Maui  
RISK - 2017-0143

DANNY A. MATEO  
County Clerk



JOSIAH K. NISHITA  
Deputy County Clerk

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

June 8, 2017

LT  
LT email 6/8/17  
M email 6/8/17  
SP email 6/8/17  
PWS scanned 6/8/17  
to ML 6/8/17

LF 2017-0143

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 David Miller, from Enterprise Car Rental, on behalf of Jesse Aloy, which was received by our office on June 8, 2017.

Respectfully,

JOSIAH K. NISHITA  
Deputy County Clerk

Attachment

cc: Mayor  
✓ Corporation Counsel  
Council Chair

/lks

RECEIVED  
2017 JUN -8 PM 4:10  
CORPORATION COUNSEL  
KIMBERLY M. HARRIS

DANNY A. MATEO  
County Clerk



JOSIAH K. NISHITA  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

June 8, 2017

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 David Miller, from Enterprise Car Rental, on behalf of Jesse Aloy, which was received by our office on June 8, 2017.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Nishita", is written over a horizontal line.

JOSIAH K. NISHITA  
Deputy County Clerk

Attachment

cc: Mayor  
Corporation Counsel  
Council Chair

/lks

RECEIVED

2017 JUN -8 AM 7:49

COUNTY OF MAUI

OFFICE OF THE COUNTY CLERK

CLAIM FOR DAMAGE OR INJURY

PLEASE PRINT CLEARLY

- 1. Claimant: Mr.  Mrs.  Ms.  Jesse Aloy
- 2. Address: 397 W. Hawaii Street HI, 96732
- 3. Telephone No.: Business \_\_\_\_\_ Residence (808) 557-5948
- 4. Date of Accident: 5/9/2017
- 5. Location of Accident: Hilo, HI
- 6. Amount of Claim: Property Damage \$ 13,751.23 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.

Our renter above was driving our rental car for Enterprise and hit a fence causing damage to the front end of our car & damage to the right front tire.

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

N/A

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

A. Did you file a claim with your insurance company? N/A

If yes, amount claimed \$ \_\_\_\_\_ Deductible amount \$ \_\_\_\_\_

B. If a claim was filed with your insurance company, what action do they intend to take?

N/A

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

Daniel Miller  
(Signature of Claimant)

6/7/2017  
(Date)



PO BOX 801770  
KANSAS CITY MO 64180  
UNITED STATES

05/23/2017

OFFICE OF THE COUNTY CLERK

Claim Number	: 10809625
Company Reference Number	: ALOY (STATE), JESSE
Your Claim Number	:
Date of Loss	: 05/09/2017
Balance Due	: \$13,751.23
Renter's name	: JESSE ALOY (STATE)
Billing Invoice	: 3001630397

DRIVER'S NAME: JESSE ALOY

Dear Sir / Madam,

Our review indicates that your employee is responsible for the damages to our vehicle.

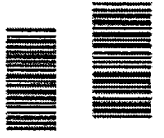
Enclosed please find documentation to support our claim. Please review this information and remit payment in full to the address above. Please include our claim number on your payment. If you prefer you may also pay the amount due using a debit card, credit card or directly from your bank account at: <http://www.claimtopay.com>.

If you have reported this claim to your insurance and / or credit card company, please contact our office with the claim information.

If you have any questions, please contact us at the number below.

Sincerely,

DAMAGE RECOVERY UNIT  
Phone: 8663003239  
Email: DRU1@ehi.com



**INVOICE**

Date: 05/23/2017

OFFICE OF THE COUNTY CLERK

Claim #: 10809625  
Unit #: 7L4NHG  
Billing Invoice #: 3001630397

Vehicle Information

VIN: 2C4RC1BG5GR157439  
Year: 2016  
Make: CHRY  
Model: TC

Item	Total Cost	Amount Due
Damage	\$13,714.20	\$13,714.20
Admin Fees	\$150.00	Waived
Loss of Use: 15 days @ \$49.26 per day @ 100% occupancy	\$738.90	Waived
Diminishment of Value	\$1,371.42	Waived
Taxes	\$37.03	\$37.03

**Total Amount Due: \$ 13,751.23\***

\*Remit payment in U.S. Dollars.

**PAY UPON RECEIPT**

**ALL PAYMENTS MUST INCLUDE THIS REMITTANCE TO BE CREDITED PROPERLY!**

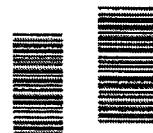
PAYABLE TO:  
DAMAGE RECOVERY  
PO BOX 801770  
KANSAS CITY MO 64180  
UNITED STATES  
Toll Free #: 8663003239

Claim #: 10809625  
Unit #: 7L4NHG  
Billing Invoice #: 3001630397

**Total Amount Due: \$ 13,751.23\***

\*Remit payment in U.S. Dollars.

**Total Amount Remitted: \$ \_\_\_\_\_**





**Estimate Information**

Estimate ID: 3003866005      Claim: DX36E5986  
 Estimator:  
 File ID: 1406  
 Platform: Mitchell  
 Date Created: 05/15/2017

**Repair Facility**

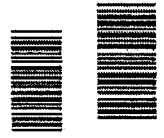
Repair Facility: Pacific Appraisal Services Inc.  
 [Appraiser]  
 Address: P O Box 240623  
 Honolulu, HI 96825  
 Phone: 817-4709788  
 Fax:  
 Federal Tax ID:  
 State Tax ID:  
 BAR:

**Vehicle Data**

Unit #: 7LANHG      Year: 2016      Make: Chrysler      Model: Town&Country  
 VIN: 2C4RC1BQ5GR157439      Color: WHITE      Lic. State:  
 Body Style:      Engine:      Odometer: 25054      License: ZDY815  
 Point of Impact  
 Primary: Right Front Corner  
 Secondary: Unknown Point of Impact

**Line**

Line	Op	Description	Type	Part#	Price	Qty	Labor	Paint	Labor Amt
001	O/H	Frt Bumper Cover Assy					3.1B		\$130.20
002	RR	Frt Bumper Cover	N	68088967AA	\$420.00	1	0B		
003	REF	Frt Bumper Cover					2.6R		\$109.20
004	RR	R Frt Uptr Bumper Bracket	N	5113136AA	\$7.35	1	0B		
005	RI	Frt Bumper Cover					0B		
006	RR	Frt Bumper Grille	N	68100694AA	\$158.00	1	0B		
007	RR	R Frt Bumper Fog Lamp Bezel	N	68100706AA	\$25.50	1	0B		
008	RR	L Frt Bumper Fog Lamp Bezel	N	68100707AA	\$25.50	1	0B		
009	RR	R Frt Bumper Fog Lamp Opening Cover	N	68100718AA	\$34.50	1	0B		
010	RR	L Frt Bumper Fog Lamp Opening Cover	N	68100718AA	\$34.50	1	0B		
011	RR	Frt Bumper Impact Absorber	N	68082094AB	\$98.00	1	0.3B		\$12.60
012	RR	Frt Bumper Reinforcement Bar	N	5113162AA	\$405.00	1	0.3B		\$12.60
013	RR	Frt Ambient Temp Sensor	N	5149265AB	\$17.50	1	0B		
014	RR	Grille Assembly	N	68100692AB	\$302.00	1	0B		
015	RR	R Frt Combination Lamp	N	68206500AC	\$255.00	1	0.3B		\$12.60
016	C/AJ	Headlamps					0.4B		\$16.80
017	RR	R Frt Fog Lamp	N	5182021AB	\$80.60	1	0B		
018	C/AJ	Fog Lamps					0.4B		\$16.80
019	RR	L Frt Fog Lamp	N	5182021AB	\$80.60	1	0B		
020	RR	Hood Panel (Alum)	N	4589880AF	\$599.00	1	1.6B		\$67.20
021	REF	Hood Outside					2.6R		\$109.20
022	REF	Add For Hood Underside					1.3R		\$54.60
023	RR	R Fender Panel	N	68029128AB	\$334.00	1	1.4B		\$58.80
024	RI	R Front Combination Lamp					0B		
025	REF	R Fender Outside					1.8R		\$75.60
026	REF	R Add To Edge Fender					0.5R		\$21.00
027	RR	R Fender Liner	N	5113094AD	\$77.50	1	0B		
028	RR	L Fender Liner	N	5113095AC	\$77.50	1	0.3B		\$12.60
029	RI	L Mirror Bezel					0.2B		\$8.40
030	RI	L Fender Mudguard					0.2B		\$8.40
031	RR	Frt Body Closing Panel (Com)	N	68023326AE	\$264.00	1	4.2B		\$176.40
032	RR	Add To R&R Mechanical Components -M					0.6M		\$27.00
033	RR	Frt Body Upper Tie Bar	N	68023327AC	\$227.00	1	0B		



034	RR	R Frt Body Bracket	N	68084828AA	\$42.50	1	0.1B		\$4.20
035	RR	Frt Body Front Crossmember	N	5109174AB	\$245.00	1	3.5B		\$147.00
036	REF	Rad Supt Crossmember						1R	\$42.00
037	RR	R Frt Body Apron Reinf (HSS) -S	N	4894764AD	\$247.00	1	1.5B		\$63.00
038	REF	R Apron Reinforcement						1R	\$42.00
039*	INSP	Sub-Frame -M	E			1	0M		
040*	ALGN	FRONT END ALIGNMENT			\$98.00		0M		
041	REF	R Door Opening Panel Complete						3.6R	\$151.20
042*	RPR	R Door Opening Panel -S	E			1	1.5B		\$63.00
043	RR	Alloy Wheel	N	1SP67DX8AB	\$519.00	1	0.3B		\$12.60
044*	RR	RT Front Tire			\$161.07		3B		\$126.00
045*	ARP	Mount and Balance			\$25.00		0B		
046*	INSP	R Frt Susp Hub & Bearing -M	E			1	0M		
047*	INSP	R Frt Susp Steering Knuckle -M	E			1	0M		
048*	INSP	R Frt Susp Strut -M	E			1	0M		
049	RR	R Lwr Frt Susp Control Arm Assy -M	N	4766910AL	\$134.00	1	1.8M		\$81.00
050*	INSP	R Frt Drive Axle Shaft Assembly -M	E			1	0M		
051*	INSP	Steering Gear -M	E			1	0M		
052*	INSP	R Inr Steering Tie Rod -M	E			1	0M		
053*	INSP	R Otr Steering Tie Rod End -M	E			1	0M		
054	RR	Trans Oil Pan -M	N	5078556AA	\$56.10	1	1.8M		\$81.00
055*	RR	Trans Oils	A		\$25.00	1	0M		
056	RR	R Engine Under Cover	N	ORDER FROM DEALER	\$78.45	1	0.3B		\$12.60
057	RR	Air Cleaner Assembly	N	4861729AB	\$175.00	1	0.5B		\$21.00
058	RR	Air Cleaner Resonator	N	4861731AD	\$83.85	1	0.3B		\$12.60
059	RR	W/Shield Glass	N	68067654AB	\$577.00	1	2.6G		\$109.20
060	RR	W/Shield Washer Reservoir	N	68125514AA	\$105.00	1	0.5B		\$21.00
061	RR	W/Shield Washer Pump	N	5179153AC	\$111.00	1	0B		
062	RR	R Frt Door Shell	N	4894916AH	\$654.00	1	5.7B		\$239.40
063	REF	R Frt Door Outside						1.9R	\$79.80
064	REF	R Frt Add For Jambs & Interior						1R	\$42.00
065	RR	R Frt Add To R&L/R&R Side Air Bag Sensor					0.3M		\$13.50
066	RR	L Frt Door Rear View Mirror	N	11G691SCAL	\$290.00	1	0.4B		\$16.80
067	RR	R Frt Upr Door Front Blackout Tape	N	5109890AC	\$63.20	1	0.2B		\$8.40
068	RR	R Frt Door Adhesive Moulding	N	5182598AA	\$130.00	1	0.1B		\$4.20
069	RR	R Frt Upr Door Hinge	N	68030374AE	\$65.45	1	0.3B		\$12.60
070	RI	R Frt Door Assembly					0B		
071	REF	R Frt Upr Hinge						0.5R	\$21.00
072	RR	R Frt Lwr Door Hinge	N	68030376AC	\$54.75	1	0.3B		\$12.60
073	REF	R Frt Lwr Hinge						0.5R	\$21.00
074	RR	R Side Door Repair Panel	N	5020704AD	\$452.00	1	8B		\$336.00
075	REF	R Side Door Outside						2.2R	\$92.40
076	REF	R Add For Jambs						0.5R	\$21.00
077	RR	R Side Door Adhesive Moulding	N	5182600AC	\$118.00	1	0.1B		\$4.20
078*	RPR	R Van Side Panel	E			1	6B		\$252.00



079	REF	R Van Side Panel Outside					2.2R	\$92.40
080	RI	R Van Side Moulding					0.2B	\$8.40
081	RR	R Lwr Van Side Moulding	N	68069668AB	\$394.00	1	0.5B	\$21.00
082	REF	R Lwr Quarter Moulding					1R	\$42.00
083	RI	R Quarter Glass					1G	\$42.00
084*	RPR	Roof Panel	E			1	2.5B	\$105.00
085	REF	Roof Panel Outside					4.1R	\$172.20
086	RI	R Roof Luggage Rack Side Rail					0.4B	\$16.80
087	RI	R Rear Combination Lamp					0.3B	\$12.60
088	RI	Rear Bumper Cover					1B	\$42.00
089*		Hazardous Waste Disposal			\$5.00			
090*		Flex Additive			\$10.00			
091*	ADO	FRAME/RACK SET UP					2.5F	\$112.50
092*	ADO	SHEETMETAL PULL					1.5F	\$67.50
093	ADO	Clear Coat					5.3R	\$222.60
094*	ADO	Mask For Overspray			\$20.00		0R	
095*		Paint/Materials			\$450.00			

**Totals**

Parts				
Part	SubTotal	Adj%	Adj\$	Total
Parts - New	\$8,318.35			\$8,318.35
Parts - Aftermarket (QRP)	\$25.00			\$25.00
				<b>\$8,343.35</b>

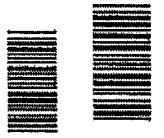
Labor				
Type	Additional Labor	Rate	Hours	Total
Labor - Body		\$42.00	50.2	\$2,108.40
Labor - Refinish		\$42.00	33.6	\$1,411.20
Labor - Mechanical		\$45.00	4.5	\$202.50
Labor - Glass		\$42.00	3.6	\$151.20
Labor - Frame		\$45.00	4	\$180.00
<b>Labors Total</b>				<b>\$4,053.30</b>

Materials	
Materials - Hazardous Waste	\$5.00
Materials - Paint	\$460.00
	<b>\$465.00</b>

Miscellaneous	
Other - Additional Cost	\$20.00
Other - Sublet	\$284.07
	<b>\$20.00</b>

Adjustment	
Insurance Pay	\$13,714.20
Total Claim Before Taxes	\$13,165.72
Sales Tax	\$548.48
Total Transaction Amount	<b>\$13,714.20</b>

Op Codes	
AA	Operation - Appearance Allowance
SUB	Operation - Sublet
RPD	Operation - Related Prior Damage
ADO	Operation - Additional Operations
BLND	Operation - Blend
RRP	Operation - Remove/Replace, Partial
ADC	Operation - Additional Costs
PRPR	Operation - Repair, Partial
RR	Operation - Remove/Replace
RI	Operation - Remove and Reinstall



UPD	Operation - Unrelated Prior Damage
RREP	Operation - Remove and Repair
R1ST	Operation - Repair First, else Replace
REDO	Operation - Redo
CG	Operation - Chip Guard
TT	Operation - Two Tone
PDR	Operation - Paintless Dent Repair
RI	Operation - Remove/Install
RFRP	Operation - Refinish/Repair
RPR	Operation - Repair
BLANK	Operation - Blank
REF	Operation - Refinish
O/H	Operation - Overhaul
ALGN	Operation - Alignment
ARP	Operation - Additional Repair
C/AJ	Operation - Check/Adjust
INSP	Operation - Inspect
<b>Part Type Codes</b>	
E	Parts - Existing
C	Parts - Re-chromed
A	Parts - Aftermarket
P	Parts - New, partial
N	Parts - New
M	Parts - Remanufactured
L	Parts - Recycled
GL	Glass
R	Parts - Re-cored
<b>Labor Codes</b>	
U	User Defined Labor 3
U	User Defined Labor 2
M	Labor - Mechanical
U	User Defined Labor 1
E	Labor - Electrical
D	Labor - Diagnostic
B	Labor - Body
U	User Defined Labor 4
G	Labor - Glass
F	Labor - Frame
U	User Defined Labor
R	Labor - Refinish
S	Labor - Structural

