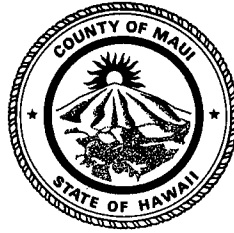


ALAN M. ARAKAWA
Mayor



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DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
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July 27, 2017

T O: Don S. Guzman, Chair
Parks, Recreation, Energy, and Legal Affairs Committee

F R O M: Richelle M. Thomson, Deputy Corporation Counsel

SUBJECT: **PRL-1 Litigation Matters:**
Hawaii Wildlife Fund et al., v. County of Maui *RThomson*
Hawaii District Court Civil No. 12-00198 SOM BMK
U.S. Court of Appeals, Ninth Circuit, Docket No. 15-17447

OFFICE OF THE
COUNTY COUNCIL

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Our Department respectfully requests the opportunity to present the attached proposed resolution regarding an increase in funding related to employment of special counsel for appellate work in the above-referenced matter. We also request the opportunity to provide a status update on the case. This matter is time sensitive; therefore, we request that the matter be scheduled at the earliest opportunity.

It is anticipated that an executive session will be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

Thank you for your anticipated assistance in this matter.

Resolution

No. _____

AUTHORIZING AN INCREASE IN FUNDING RELATED TO
THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP,
IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI,
DOCKET NO. 15-17447, UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

WHEREAS, by Resolution No. 12-127, the Council authorized the employment of special counsel HUNTON & WILLIAMS LLP ("special counsel") to represent the County of Maui in matters relating to Hawaii Wildlife Fund, et al. v. County of Maui; and

WHEREAS, by Resolution Nos. 14-52, 14-99, 14-137, 15-35, 15-74, 15-101, 16-3, and 16-69, the Council authorized increases in total compensation for trial preparation, motions, appeal and, if necessary, trial, for a total compensation of \$3,400,000; and

WHEREAS, on November 17, 2015, the United States District Court, District of Hawaii, entered judgment in Civil No. 12-00198 SOM-BMK; and

WHEREAS, on December 14, 2015, the County filed a Notice of Appeal of Hawaii District Court Civil No. 12-00198 SOM-BMK, in the United States Court of Appeals for the Ninth Circuit and was assigned Docket No. 15-17447; and

WHEREAS, the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel by an additional \$150,000 for appeal, for a total compensation not exceeding \$3,550,000; now, therefore,

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

1. That the Council hereby approves and authorizes an increase in compensation for the employment of special counsel by \$150,000, for a total compensation not exceeding \$3,550,000; and

2. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, and the Director of Finance.

APPROVED AS TO FORM
AND LEGALITY:



RICHELLE M. THOMSON
Deputy Corporation Counsel
County of Maui
LIT-4996