

**MICHAEL P. VICTORINO**  
Mayor

**MOANA M. LUTEY**  
Corporation Counsel

**RICHELLE M. THOMSON**  
First Deputy

**LYDIA A. TODA**  
Risk Management Officer



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

November 9, 2020

MEMO TO: Mike Molina, Chair  
Governance, Ethics, and Transparency Committee

FROM: Moana M. Lutey, Corporation Counsel *ML*

SUBJECT: Litigation Matters – Settlement of Claims and Lawsuits (GET-11)  
Settlement of Claim 4066910 by Maluhia Maui Scott

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. We would respectfully request that this matter be heard at the earliest scheduled Governance, Ethics, and Transparency Committee meeting.

Copies of the claim and proposed Resolution are enclosed. We request that a representative from the Maui Police Department be in attendance during discussion of this matter. If you have any questions, or concerns, please do not hesitate to contact me.

cc: Tivoli Faaumu, Chief Maui Police Department  
Enclosures

# Resolution

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

AUTHORIZING SETTLEMENT OF CLAIM 4066910  
BY MALUHIA MAUI SCOTT

WHEREAS, Maluhia Maui Scott filed Claim 4066910 on October 14, 2020 against the County of Maui alleging excessive use of force, police misconduct, and violation of his civil rights on Honokalani Road, Hana, on Sunday, May 24, 2020 at about 9:50 p.m., resulting from a taser gun used by Maui Police Department; 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; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms in an executive meeting before the Governance, Ethics, and Transparency; and

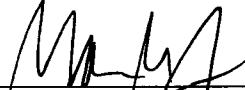
WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

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

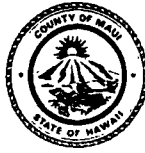
**Resolution No. \_\_\_\_\_**

1. That it approves settlement of CLAIM 4066910 BY MALUHIA MAUI SCOTT under the terms in an executive meeting before its Governance, 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 of the County of Maui 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

  
\_\_\_\_\_  
MOANA M. LUTEY  
Corporation Counsel  
Department of the Corporation Counsel  
County of Maui  
LIT-6143 Reso Authorizing Settlement of Claim

KATHY L. KAOHU  
County Clerk



JAMES G.M. KRUEGER  
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)

October 15, 2020

John Mullen & Company, Inc. (JMC)  
Via email: [claims@johnmullen.com](mailto:claims@johnmullen.com)

Attn: Unit Code 99

Respectfully transmitted is a copy of a claim against the County of Maui filed by Maluhia Maui Scott, of P.O. Box 563, Hana, which was received by our office on October 15, 2020.

Respectfully,

A handwritten signature in black ink that reads "Kathy L. Kaohu".

KATHY L. KAOHU  
County Clerk

Attachment

cc: Mayor  
Corporation Counsel  
Council Chair

/djy

RECEIVED

COUNTY OF MAUI

RECEIVED CORPORATION COUNSEL

2020 OCT 15 AM 11:23  
PLEASE PRINT CLEARLY

CLAIM FOR DAMAGE OR INJURY

'20 OCT 14 P5 54

1. ~~Claimant~~  Mr.  Ms.  Malubia Maui Scott

2. Address: P.O. Box 563, Hana, HI, 96713

3. Telephone No.: Business \_\_\_\_\_ Residence 808-793-8504

4. Date of Accident: 05/24/2020

5. Location of Accident: Honokalani Rd

6. Amount of Claim: Property Damage \$ \_\_\_\_\_ Personal Injury \$ 30,000

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.  
I was shot with a Taser in the face and arm by MPD police officer Michael Russell. I had done nothing wrong. I experienced serious pain and left nightmares and anxiety from this incident.

This all happened in Hana, Maui on May 24, 2020

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

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

A. Did you file a claim with your insurance company? No

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

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

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

[Signature]  
(Signature of Claimant)

10/13/2020  
(Date)