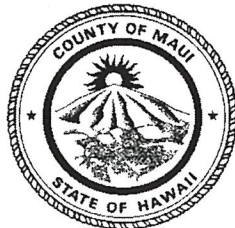


**MICHAEL P. VICTORINO**  
Mayor

**MOANA M. LUTEY**  
Corporation Counsel

**EDWARD S. KUSHI, JR.**  
First Deputy

**LYDIA A. TODA**  
Risk Management Officer  
Tel. No. (808) 270-7535  
Fax No. (808) 270-1761



RECEIVED

2019 SEP -5 PM 3:37

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

September 5, 2019

MEMO TO: Michael J. Molina, Chair  
Governance, Ethics and Transparency Committee

FROM: Caleb P. Rowe, Deputy Corporation Counsel 

SUBJECT: Litigation Matters  
Settlement of Claim: Kevin Barham  
Claim No.: 30181452447-0003

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 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.

CPR:cs  
Enclosures

cc: Tivoli Faamu, Chief of Police  
Maui Police Department

# Resolution

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

AUTHORIZING SETTLEMENT OF CLAIM NO. 30181452447-0003  
OF KEVIN BARHAM

WHEREAS, Kevin Barham filed Claim No. 30181452447-0003 on November 20, 2018, against the County of Maui for bodily injuries he allegedly sustained on Honoapiilani Highway, Lahaina, Maui, Hawaii, on November 1, 2018 from a collision involving a Maui County Police fleet vehicle; and

WHEREAS, the County of Maui and Kevin Barham, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a proposed resolution of this claim by way of negotiated settlement, and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; 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 Claim No. 30181452447-0003 under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

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

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release and Indemnity Agreement" by Kevin Barham; and

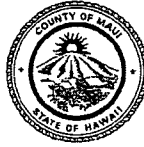
3. That certified copies of this Resolution be transmitted to the Mayor; the Director of Finance; the Chief of Police; and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



\_\_\_\_\_  
CALEB P. ROWE  
Deputy Corporation Counsel  
County of Maui  
RISK 2018-0601

DANNY A. MATEO  
County Clerk



RECEIVED JOSIAH K. NISHITA  
CORPORATION COUNSEL Deputy County Clerk

2018 NOV 27 AM 10:17

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

November 23, 2018

LT LT 11/28/18  
LT email 11/26/18  
ML email 11/26/18  
SP email 11/26/18  
BNSCAN 11/28/18  
to ML 11/28/18

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 Katey & Kevin Barham, of 6213 Everlasting Way, Oakley, CA, which was received by our office on November 20, 2018.

Respectfully,

DANNY A. MATEO  
County Clerk

Attachment

cc: Mayor  
Corporation Counsel  
Council Chair

/djy

2018 NOV 27 PM 3:03  
CORPORATION COUNSEL  
RECEIVED

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)

November 23, 2018

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 Katey & Kevin Barham, of 6213 Everlasting Way, Oakley, CA, which was received by our office on November 20, 2018.

Respectfully,

A handwritten signature in black ink that reads "Danny A. Mateo". The signature is written in a cursive style with a large, sweeping flourish at the end.

DANNY A. MATEO  
County Clerk

Attachment

cc: Mayor  
Corporation Counsel  
Council Chair

/djy

COUNTY OF MAUI

RECEIVED

CLAIM FOR DAMAGE OR INJURY

2010 NOV 20 PM 12:17

PLEASE PRINT CLEARLY

1. Claimant: Mr.  Mrs.  Ms.  Katey Barham  
Kevin Barham OFFICE OF THE COUNTY CLERK

2. Address: 6213 Everlasting Way, Oakley, CA 94561

3. Telephone No.: Business \_\_\_\_\_ Residence (707) 333-1246 (c)

4. Date of Accident: 11/1/18

5. Location of Accident: Honoapiilani Highway

6. Amount of Claim: Property Damage \$ undetermined Personal Injury \$ undetermined

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.

Maui County Police officer cut in front of Kevin. Collision resulted. Police report has been requested. Kevin suffered significant personal injuries.

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

State Farm, P.O. Box 52299, Phoenix, AZ 85072  
 Policy No. 395 1838 802 05A

A. Did you file a claim with your insurance company? Submitted notice and confirming coverages.  
 If yes, amount claimed \$ \_\_\_\_\_ Deductible amount \$ \_\_\_\_\_

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

HEREBY DECLARE THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

[Signature]  
 (Signature of Claimant)

11/14/18  
 (Date)

**Law Office of Mark Gallagher**

66 Kaiholu Place  
Kailua, HI 96734

Tel. 808-535-1500  
Fax 888-806-1531

mgallagher@hawaiiantel.net

**RECEIVED**

**2018 NOV 20 PM 12:17**

**OFFICE OF THE  
COUNTY CLERK**

November 16, 2018

Susan Pacheco  
Department of Corporation Counsel  
Count of Maui  
200 South High Street, 3rd Floor  
Wailuku, HI 96793-2155

Re: Kevin L. Barham  
DOB: 11/22/78  
Date of MVA: 11/1/18  
Accident location: Honoapiilani Highway

RECEIVED  
CORPORATION COUNSEL

2018 NOV 19 PM 1:46

Dear Ms. Pacheco:

Please find enclosed a Claim For Damage Or Injury form signed by Katey Barham. Please forward to your third party adjuster, Sedgwick and ask that it contact David Barlow or myself so that we have a contact point for this claim. Thank you.

Very truly yours,



Mark Gallagher

encl.

RECEIVED

2018 NOV 19 PM 4:34

CORPORATION COUNSEL