

REQUEST FOR LEGAL SERVICES

Date: August 14, 2019
From: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

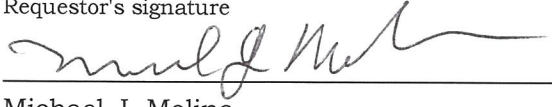
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Moana Lutey, Esq.

Subject: LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: TOMMY RUSSO V. COUNTY OF MAUI, ET AL.; CIVIL 14-00515 JMS-KSC) (GET-11(19))

Background Data: Please revise the proposed resolution as reflected in the attached markup. A hard copy of the revised proposed resolution, approved as to form and legality, is requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Michael J. Molina	Contact Person Carla Nakata or David Raatz (Telephone Extension: 7659 or 7664, respectively)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): _____
REASON: _____

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____


(Rev. 7/03)

get:ltr:011(19)acc01:cmn

Attachment

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
TOMMY RUSSO VS. COUNTY OF MAUI, ET AL.
CIVIL NO. 14-00515 JMS-KSC 

WHEREAS, Plaintiff Tommy Russo filed a lawsuit in the United States District Court for the District of Hawaii on November 17, 2014, Civil No. 14-00515 JMS-KSC, against the County of Maui, et al., claiming unlawful seizure, unlawful arrest, violation of his rights under the First Amendment, false arrest, battery, assault, and *gross negligence, among other claims, and seeking special, and general damages; and*

WHEREAS, the County of Maui filed its Answer on March 24, 2015; and *and punitive*

WHEREAS, this case was stayed on June 3, 2015, pending an appeal in the underlying criminal case; *and*

WHEREAS, on March 31, 2017, an order on the underlying criminal appeal was issued; *and*

WHEREAS, on June 7, 2019, a settlement conference was held in this case; *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

Resolution No. _____

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 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; now, therefore,

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


1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Governance, Ethics and Transparency Committee; and

2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case; and

3. That it hereby authorizes the Director of Finance of the County of Maui to satisfy said settlement of this case; 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
County of Maui
Lit 5447