

COUNCIL OF THE COUNTY OF MAUI

**PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE**

December 21, 2018

**Committee
Report No. _____**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on December 10, 2018, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated November 15, 2018, the Department of the Corporation Counsel requested consideration of the possible settlement of Jacob Firth and Elva Marie Espinosa Brumblay v. County of Maui, et al., Civil 18-1-0234(2). Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF JACOB FIRTH AND ELVA MARIE ESPINOSA BRUMBLAY v. COUNTY OF MAUI, ET AL., CIVIL NO. 18-1-0234(2)," along with a copy of the complaint. The purpose of the proposed resolution is to authorize the Department to settle the case.

Your Committee notes the complaint alleges negligence by the County and the State of Hawaii while Plaintiff Jacob Firth was in their custody during the period of February 21, 2018 to February 22, 2018, resulting in injuries and damages to Mr. Firth, as well as loss of companionship for Jacob Firth's mother, Elva Marie Espinosa Brumblay.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$7,500.

A Deputy Corporation Counsel provided a brief overview of the case. The Deputy said Mr. Firth was in Police custody for about 25 hours then released to the State. The complaint alleges the Department of Police did not provide proper medical attention to Mr. Firth while he was in its

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custody. The Deputy also said while Mr. Firth was in the subsequent custody of the State, Mr. Firth claims he suffered a seizure and fractured his skull. The Deputy said a settlement demand had been received which she would like to present to your Committee.

Because the case involves ongoing litigation and confidential medical information, the Deputy requested the opportunity to convene an executive meeting.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department, your Committee voted 8-0 to recommend filing of the correspondence. Committee Chair Guzman, Vice-Chair King, and members Atay, Carroll, Crivello, Hokama, Sugimura, and White voted "aye." Committee member Cochran was excused.

Your Committee notes filing of the correspondence does not resolve the ongoing case, but merely disposes of the matter pending before your Committee.

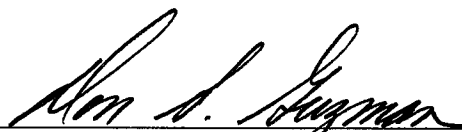
Your Parks, Recreation, Energy, and Legal Affairs Committee **RECOMMENDS** that the correspondence dated November 15, 2018, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF JACOB FIRTH AND ELVA MARIE ESPINOSA BRUMBLAY v. COUNTY OF MAUI, ET AL., CIVIL NO. 18-1-0234(2)," be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



DON S. GUZMAN, Chair

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