

# REQUEST FOR LEGAL SERVICES

**Date:** July 5, 2019  
**From:** Michael J. Molina, Chair  
Governance, Ethics, and Transparency Committee

TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Thomas Kolbe, Esq.

**Subject:** LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: KELLY PAUOLE V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL.; CIVIL 18-1-0007(2)) (GET-11(16))

**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 (Telephone Extension: 7659)
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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): July 10, 2019  
REASON: For posting on the July 19, 2019 Council meeting agenda.

## 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(16)acc01:cmn

Attachment

# Resolution

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

AUTHORIZING SETTLEMENT OF  
KELLY PAUOLE VS. COUNTY OF MAUI POLICE DEPARTMENT, *ET AL.*,  
CIVIL NO. 18-1-0007(2)

WHEREAS, Plaintiff Kelly Pauole filed a lawsuit in the Circuit Court of the Second Circuit in the State of Hawaii on March 20, 2018, Civil No. 18-1-0007(2), against the County of Maui Police Department, claiming employment discrimination and seeking special and general damages; 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

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:

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

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, ~~under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel;~~ and

3. That it hereby authorizes the Director of Finance ~~of the County of Maui~~ to satisfy said settlement of this case, ~~under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel;~~ 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:



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THOMAS KOLBE  
Deputy Corporation Counsel  
County of Maui  
Lit 5838