

Resolution

No. 24-105

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ES&A, INC., A LAW CORPORATION, IN CHELSIE EVANS, INDIVIDUALLY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF TRE' PU'UWAILA'AHIAOLOPAKAAMELEHUA-NANI EVANS-DUMARAN, DECEASED, vs. SCOTT MARTIN, CIVIL NO. 2CCV-24-0000034.

WHEREAS, the Council alone is authorized to retain or employ special counsel by resolution adopted by two-thirds vote; and

WHEREAS, the Council finds that there is necessity and a public purpose to retain the firm of ES&A, Inc., A Law Corporation as special counsel to represent Scott Martin/Department of Fire & Public Safety in Chelsie Evans, Individually and as the Personal Representative of the Estate of Tre' Pu'uwaila'ahiaolopakaamelehua-Nani Evans-Dumaran, Deceased, vs. SCOTT MARTIN, CIVIL NO. 2CCV-24-0000034, because of the complexity of the litigation/labor issues; and

WHEREAS, the firm and the Department of the Corporation Counsel shall work as a team in this matter and take all possible steps to minimize the level of attorney's fees and costs; and

WHEREAS, the firm's conduct in this matter shall reflect the firm's understanding that the County of Maui is a public entity that has obligations, concerns, and interests that may extend beyond those of a similarly situated private litigant; now therefore,

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

1. That it hereby authorizes the employment of the firm ES&A, Inc., A Law Corporation as special counsel to represent Scott Martin/Department of Fire & Public Safety, in the case of Chelsie Evans, Individually and as the Personal Representative of the Estate of Tre' Pu'uwaila'ahiaolopakaamelehua-Nani Evans-Dumaran, Deceased vs. SCOTT MARTIN, CIVIL NO. 2CCV-24-0000034;
2. That total compensation for the employment of the firm ES&A, Inc., A Law Corporation as special counsel shall not exceed \$50,000.00;

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3. That partner Anna Elento-Sneed, Esq. shall provide the bulk of the legal services in this matter;
4. That the hourly rate for partners shall not exceed \$375.00;
5. That the hourly rate for associates shall not exceed \$300.00;
6. That the hourly rate for paralegal staff shall not exceed \$140.00;
7. That the compensability of costs shall be in a general accord with the intent of 28 U.S.C. § 1920;
8. That the compensable costs shall include: (a) fees for printing and witnesses; (b) fees of the clerk and marshal; (c) fees of the court reporter for necessary transcripts; (d) docket fees; and (e) compensation of court-appointed experts and interpreters;
9. That the non-compensable costs shall include: (a) telephone calls; (b) facsimile charges; (c) postal charges; (d) messenger charges; (e) fees for computerized legal research; (f) investigative expenses; and (g) other costs reasonably considered part of a law firm's overhead;
10. That in instances of travel, both inter-island and out-of-state travel includes travel on regular coach economy fare and must be pre-approved by the Corporation Counsel;
11. That the expenditures of additional funds or substantial changes to the responsibilities of the parties shall require Council approval; and
12. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel and the Director of Finance.

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APPROVED AS TO FORM AND LEGALITY:



GLEN R. PASCUAL
Deputy Corporation Counsel
County of Maui
LF #LIT-8076

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Shirley Lee", written above a horizontal line.

Upon the request of the Mayor.