

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By Department of the Corporation Counsel at 11:16 am, Feb 08, 2021

**Date:** February 5, 2021  
**From:** Mike Molina, Chair  
**Government Relations, Ethics, and Transparency Committee**

**TRANSMITTAL**  
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Gary Murai, Esq.


**Subject:** AUTHORIZING SETTLEMENT OF CLAIM NUMBER 4066910 OF MALUHIA MAUI SCOTT (GREAT-11(48))

**Background Data:** Because the name of the GET Committee was changed to the GREAT Committee, please submit a revised resolution deleting the following highlighted text in the third WHEREAS clause and the first BE IT RESOLVED paragraph:

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms in an executive meeting ~~before the Governance, Ethics, and Transparency~~; and

1. That it approves settlement of CLAIM 4066910 BY MALUHIA MAUI SCOTT under the terms in an executive meeting ~~before its Governance, Ethics, and Transparency Committee;~~

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

Requestor's signature  Mike Molina	Contact Person <u>James Forrest, Legislative Attorney</u> (Telephone Extension: <u>7137</u> )
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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): February 10, 2021  
REASON: To meet posting deadline for the 2/19 Council meeting.

### FOR CORPORATION COUNSEL'S RESPONSE

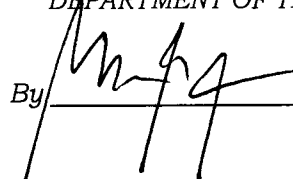
ASSIGNED TO: <u>MML</u>	ASSIGNMENT NO. <u>Li+6143</u>	BY: <u>LAK</u>
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TO REQUESTOR:  APPROVED  DISAPPROVED  OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

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

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By 

(Rev. 7/03)

great:ltr:011(48)acc01:jbf

Attachment

# Resolution

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

## AUTHORIZING SETTLEMENT OF CLAIM 4066910 BY MALUHIA MAUI SCOTT

WHEREAS, Maluhia Maui Scott filed Claim 4066910 on October 14, 2020 against the County of Maui alleging excessive use of force, police misconduct, and violation of his civil rights on Honokalani Road, Hana, on Sunday, May 24, 2020 at about 9:50 p.m., resulting from a taser gun used by Maui Police Department; 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; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms in an executive meeting before the Government Relations, 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 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. \_\_\_\_\_**

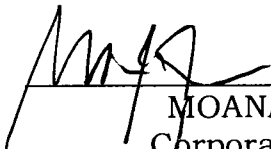
1. That it approves settlement of CLAIM 4066910 BY MALUHIA MAUI SCOTT under the terms in an executive meeting before its Government Relations, Ethics, and Transparency Committee;

2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval;

3. That it authorizes the Director of Finance of the County of Maui to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval; 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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MOANA M. LUTEY  
Corporation Counsel  
Department of the Corporation Counsel  
County of Maui  
LIT-6143 GREAT-11(48 Revised Reso Authorizing  
Settlement of Claim