

REQUEST FOR LEGAL SERVICES

Date: August 8, 2024
From: Nohelani U'u-Hodgins, Chair
Government Relations, Ethics, and Transparency Committee

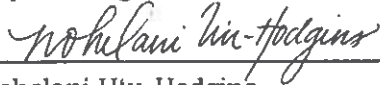
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: John J. Gores, Esq.

Subject: RESOLUTION 24-18, RELATING TO SETTLEMENT AUTHORIZATION: MAUI ELECTRIC COMPANY, LIMITED'S CROSS-CLAIM AGAINST THE COUNTY OF MAUI IN YOGI, TERENCE & DIANE V. E.H. A MINOR, ET AL., CASE 2CC-18-000408 (GREAT-11(39))

Background Data: Please see attached proposed FD1 version of Resolution 24-18. Please submit your response to great.committee@mauicounty.us with a reference to GREAT-11(39).

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY
☐ [] OTHER:

Requestor's signature  Nohelani U'u-Hodgins	Contact Person <u>Kasie Apo Takayama or Megan Moniz</u> (Telephone Extension: <u>7665 or 7145, respectively</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)

☒ [X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): August 12, 2024, at 12:00 p.m.
REASON: For distribution at the August 13, 2024, Council meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>JJG</u>	ASSIGNMENT NO. <u>Lit 6152</u>	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)

great:ltr:011(39)acc01:kmat

Attachment

Resolution

No. 24-18, FD1

**AUTHORIZING SETTLEMENT OF MAUI ELECTRIC COMPANY,
LIMITED'S CROSS-CLAIM AGAINST THE COUNTY OF MAUI IN
YOGI, TERENCE & DIANE V. E.H. A MINOR, ET. AL.,
CASE 2CC-18-000408**

WHEREAS, Plaintiffs Terence Yogi and Diane Yogi filed a Second Amended complaint in the Second Circuit Court, State of Hawaii, on September 8, 2020, Case No. 2CC-18-000408, against Defendant E. H., a minor, Defendant Brittany Harris, Defendant County of Maui, and Defendant Maui Electric Company, Limited, alleging a wrongful death claim arising from an incident that occurred on Hansen Road in Kahului, Maui, Hawaii, on September 11, 2018; and

WHEREAS, Maui Electric Company, Limited, filed a Cross-Claim against the County of Maui on October 15, 2020, to which the County of Maui filed an answer on December 1, 2020, disputing and denying Maui Electric Company, Limited's allegations; and

WHEREAS, Plaintiffs Terence Yogi's and Diane Yogi's Second Amended Complaint against the County of Maui was dismissed with prejudice by the Second Circuit Court on November 25, 2020; and

WHEREAS, Plaintiffs Terence Yogi and Diane Yogi, Defendant E. H., Defendant Brittany Harris, and Defendant Maui Electric Company,

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Limited negotiated a settlement of Plaintiffs' claims by and between themselves; and

WHEREAS, Maui Electric Company, Limited recently made a demand for settlement of its Cross-Claim against the County of Maui; 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 presented 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 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 approves settlement of Maui Electric Company, Limited's Cross-Claim against the County of Maui under the terms discussed in an executive meeting before its Government Relations, Ethics, and Transparency Committee;

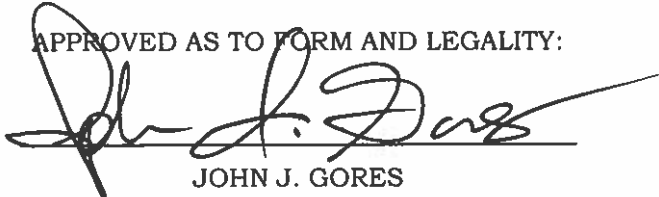
Resolution No. 24-18, FD1

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 authority;

3. That it authorizes the Director of Finance to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement authority; and

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "John J. Gores", is written over a horizontal line.

JOHN J. GORES
Deputy Corporation Counsel
County of Maui

great:misc:011(39)areso01:kmatt

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Mrs. P. Lee". The signature is written in dark ink and is positioned above a horizontal line.

Upon the request of the Mayor.