

RECEIVED

REQUEST FOR LEGAL SERVICES

Date: August 14, 2019
From: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

2019 AUG 20 AM 7:26

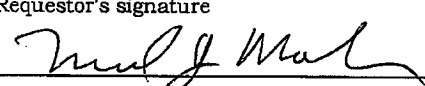
MEMORANDUM
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Caleb Rowe, Esq.

OFFICE OF THE
COUNTY COUNCIL

Subject: LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: THE HARTFORD INSURANCE COMPANY, ON BEHALF OF GORDON AND RAMONA COCKETT; CLAIM B811500564-0004-01) (GET-11(14))

Background Data: Please check whether the attached proposed resolution should reference the claim of The Hartford Insurance Company, on behalf of Gordon and Ramona Cockett, as reflected in the transmittal memo. If so, please revise the title and text of the proposed resolution accordingly (see, for example, the proposed resolution for GET-11(12)). Please also revise the reference in the third BE IT RESOLVED paragraph from "Police Chief" to "Chief of Police." 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:

<p>Requestor's signature  Michael J. Molina</p>	<p>Contact Person <u>Carla Nakata or David Raatz</u> (Telephone Extension: 7659 or 7664, respectively)</p>
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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): _____
REASON: _____

FOR CORPORATION COUNSEL'S RESPONSE

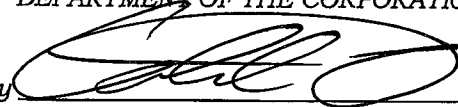
ASSIGNED TO: <u>CPR</u>	ASSIGNMENT NO. <u>2019-0098</u>	BY: <u>JEO</u>
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE, THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): Changed title to reflect filing party (Insurance company) & made other requested changes

DEPARTMENT OF THE CORPORATION COUNSEL

Date 8/19/19

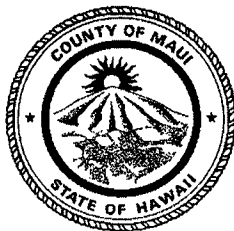
By 

MICHAEL P. VICTORINO
Mayor

MOANA M. LUTEY
Acting Corporation Counsel

EDWARD S. KUSHI, JR.
First Deputy

LYDIA A. TODA
Risk Management Officer
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DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
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August 19, 2019

MEMORANDUM

TO: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

FROM: Caleb P. Rowe, Deputy Corporation Counsel 

SUBJECT: Litigation Matters – Settlement of Claims and Lawsuits (GET-1)
Settlement of Claim No.: B811500564-0004-01 of The Hartford Underwriters
Insurance Company, on behalf of Gordon and Ramona Cockett

Pursuant to Section 3.16.020B of the Maui County Code, our department hereby requests authorization to discuss settlement of the aforementioned claim. There is no immediate deadline to this matter.

Copies of the claim and proposed Resolution are enclosed. If you have any questions, or concerns, please do not hesitate to contact me.

It is anticipated that an executive session may be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

CPR:chs
Enclosure

cc: Tivoli Faaumu, Chief of Police, Maui Police Department

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. B811500564-0004-01
OF THE HARTFORD UNDERWRITERS INSURANCE COMPANY, ON BEHALF
OF GORDON AND RAMONA COCKETT

WHEREAS, The Hartford Underwriters Insurance Company filed Claim No. B811500564-0004-01 on April 8, 2019, against the County of Maui for damages to Gordon and Ramona Cockett's vehicle resulting from a collision involving a Maui County fleet vehicle on April 24, 2018; and

WHEREAS, Gordon and Ramona Cockett are insured for such damage by The Hartford Underwriters Insurance Company; and

Whereas, The Hartford Underwriters Insurance Company, as subrogee of this claim, has alleged that the County of Maui is liable for the expenses paid by The Hartford Insurance Company; and

WHEREAS, the County of Maui and Gordon and Ramona Cockett, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a proposed resolution of this claim by way of a negotiated settlement; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

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

Resolution No. _____

1. That it hereby approves settlement of Claim No. B811500564-0004-01 in the amount of NINE THOUSAND ONE HUNDRED THIRTY-FOUR AND 90/100 DOLLARS (\$9,134.90); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Property Damage Claim" by Gordon and Ramona Cockett; and

3. 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:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
RISK 2019-0098