

REQUEST FOR LEGAL SERVICES

Date: July 19, 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: KAMOKU CONTRACTING, LLC V. COUNTY OF MAUI; CIVIL 18-1-0180(2)) (GET-11(15))

Background Data: Please revise proposed resolution as reflected on the attached mark-up, if appropriate. A hard copy of the approved resolution 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 29, 2019
REASON: For posting on August 6, 2019 Committee 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(15)acc01:cmn

Attachment

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
KAMOKU CONTRACTING, LLC VS. COUNTY OF MAUI
CIVIL NO. 18-1-0180(2)

WHEREAS, Plaintiff Kamoku Contracting^{, LLC} filed a lawsuit in the Circuit Court of the Second Circuit in the State of Hawaii on April 25, 2018, Civil No. 18-1-0180(2), against the County of Maui, claiming a breach of contract regarding a ~~2016 Parks~~ construction project at Papohaku Park^{, Wailuku, Maui, Hawaii}; 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,

Resolution No. _____

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


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 Director of Parks & Recreation, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



THOMAS KOLBE
Deputy Corporation Counsel
County of Maui
Lit 5720