

REQUEST FOR LEGAL SERVICES

Date: February 21, 2025
From: Nohelani U'u-Hodgins, Chair
Government Relations, Ethics, and Transparency Committee

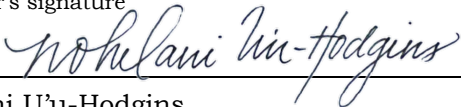
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Glen R. Pascual, Esq.

Subject: RESOLUTION 25-13, SETTLEMENT AUTHORIZATION: HAWAIIAN TELCOM, INC. V. COUNTY OF MAUI; ABRAHAM PARK, ET AL.; CIVIL 2CCV-23-0000401 (GREAT-11(1))

Background Data: Please see attached proposed CD1 version of Resolution 25-13. Please submit your response to great.committee@mauicounty.us with a reference to GREAT-11(1).

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

Requestor's signature  Nohelani U'u-Hodgins	Contact Person <u>Kasie Apo Takayama or Peter Hanano</u> (Telephone Extension: <u>7665 or 8007, respectively</u>)
--	--

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 26, 2025, at 12:00 p.m.
REASON: For posting on the March 7, 2025, Council agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

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(1)acc01:kmat

Attachment

Resolution

No. 25-13, CD1

AUTHORIZING SETTLEMENT OF HAWAIIAN TELCOM, INC. V.
COUNTY OF MAUI; ABRAHAM PARK, ET AL., CIVIL 2CCV-23-0000401

WHEREAS, Plaintiff Hawaiian Telcom, Inc. filed a Complaint on December 8, 2023, in Second Circuit Court, State of Hawai'i, Civil 2CCV-23-0000401 against the County of Maui and Abraham Park, an employee with the County's Department of Public Works for property damage sustained on December 14, 2021; and

WHEREAS, Plaintiff alleges that on December 14, 2021, Abraham Park negligently operated a County truck causing his backhoe load to hit and snag utility lines strung from utility poles near mile post marker 48 on Hāna Highway, causing damage to the utility poles and utility lines; 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 claim 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:

1. That under Maui County Code Section 3.16.020, it approves settlement of Hawaiian Telcom, Inc. vs. County of Maui; Abraham Park, et al., in the amount of \$111,127.45;

Resolution No. _____

2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under the 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 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 Director of Public Works, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:

Glen R. Pascual
Deputy Corporation Counsel
County of Maui

great:misc:011(1)areso01:kmat

INTRODUCED BY:

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

Upon the request of the Mayor.