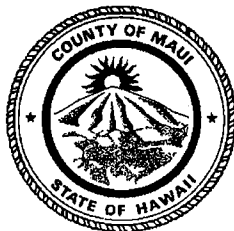


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Mayor



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May 9, 2017

MEMO TO: Donald S. Guzman, Chair  
Parks, Recreation, Energy and Legal Affairs Committee

FROM: David A. Galazin   
Deputy Corporation Counsel

SUBJECT: Litigation Matter – Status and Settlement Authorization  
*Dukie J. Racadio v. County of Maui, Civil No. 14-1-0451(2)*

RECEIVED  
2017 MAY -9 PM 4: 28  
OFFICE OF THE  
COUNTY COUNCIL

Our Department respectfully requests the opportunity to discuss with the Committee the litigation of the above-referenced case, an update on the status of the litigation, and a revised settlement demand delivered by the Plaintiff on April 28, 2017. We would like this matter heard at the next available Committee meeting, as the case is set for trial, to commence on June 5, 2017. The Department may also wish to discuss any supplemental settlement demand offer that may be received prior to this matter being brought before the Committee.

Attached hereto is a proposed Resolution Authorizing Settlement of *Dukie J. Racadio v. County of Maui, Civil No. 14-1-0451(2)*.

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.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated assistance in this matter.

Attachment

# Resolution

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

AUTHORIZING SETTLEMENT OF  
DUKIE J. RACADIO V. COUNTY OF MAUI, ET AL.  
CIVIL NO. 14-1-0451(2)

WHEREAS, Plaintiff Dukie J. Racadio filed a lawsuit in the Second Circuit Court of the State of Hawai'i, Civil No. 14-1-0451(2), against the County of Maui on August 1, 2014, asserting a discrimination claim, following termination from employment with the Department of Police owing to a disqualifying medical condition; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, seeks 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 terms set forth and discussed in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs 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

**Resolution No. \_\_\_\_\_**

Corporation Counsel, the Council wishes to discuss the terms of settlement;  
now, therefore,

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 Parks, Recreation, Energy, and Legal Affairs 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 Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



DAVID A. GALAZIN  
BRIAN A. BILBERRY  
Deputies Corporation Counsel  
County of Maui