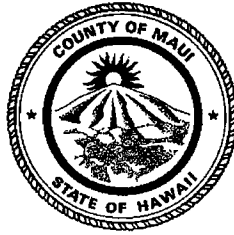


ALAN M. ARAKAWA  
Mayor

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OFFICE OF THE  
COUNTY COUNCIL

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI

200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR

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Risk Management Officer  
Tel. No. (808) 270-7535  
Fax No. (808) 270-1761

March 23, 2018

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

FROM: Brian Bilberry, Deputy Corporation Counsel

SUBJECT: LITIGATION MATTERS – Settlement of Claims and Lawsuits  
(PRL-1) AUTHORIZING SETTLEMENT OF DAVID TAYLOR V. ALAN  
ARAKAWA, ET AL.; CIVIL NO.: 18-1-0056(1)

Our Department respectfully requests the opportunity to present information to the Parks, Recreation, Energy, and Legal Affairs Committee and to discuss settlement options with regard to the above-referenced lawsuit.

A copy of the proposed Resolution authorizing settlement is attached.

This matter will involve discussion of confidential communications and attorney work product information. As such, 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.

cc: Keith Regan, Managing Director

# Resolution

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

AUTHORIZING SETTLEMENT OF DAVID  
TAYLOR V. ALAN ARAKAWA, ET AL., CIVIL NO. 18-1-0056(1)

WHEREAS, Plaintiff David Taylor filed a lawsuit in the Circuit Court of the Second Circuit, State of Hawaii, against Alan Arakawa, individually and in his capacity as the Mayor of the County of Maui, et al., on January 30, 2018, asserting defamation and wrongful termination claims, among other things, following Plaintiff's placement on paid administrative leave from employment as Director of Water Supply of 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 set forth 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 Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

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

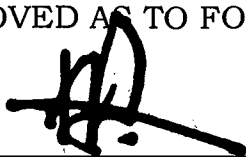
1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs Committee; and

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 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 Deputy Director of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



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BRIAN A. BILBERRY  
Deputy Corporation Counsel  
County of Maui