

REQUEST OF R LEGAL SERVICES

Date: May 17, 2017
From: Don S. Guzman, Chair
Parks, Recreation, Energy, and Legal Affairs Committee

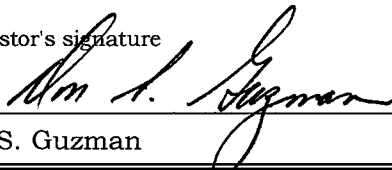
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: David Galazin, Esq.

Subject: LITIGATION MATTERS (STATUS AND SETTLEMENT AUTHORIZATION: DUKIE J. RACADIO V. COUNTY OF MAUI, ET AL.; CIVIL 14-1-0451(2)) (PRL-1(26))

Background Data: Please revise attached proposed resolution by: (1) adding a comma after "ET AL." in the title of the resolution; and (2) adding a new, second WHEREAS paragraph to read: "WHEREAS, by Resolution 16-2, the Council previously authorized settlement of the case; and". Please provide a hard copy of the revised proposed resolution.

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

Requestor's signature  Don S. Guzman	Contact Person <u>Carla Nakata</u> (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): May 19, 2017
REASON: _____

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)

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