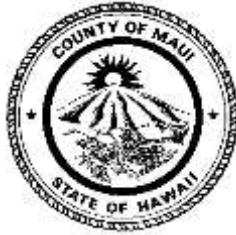


**MICHAEL P. VICTORINO**  
Mayor

**MOANA M. LUTEY**  
Corporation Counsel

**RICHELLE M. THOMSON**  
First Deputy

**LYDIA A. TODA**  
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: CORPCOUN@MAUICOUNTY.GOV

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**MEMORANDUM**

February 2, 2021

**Via email only**

MEMO TO: Michael Molina, Chair  
Government Relations, Ethics, and Transparency Committee

FROM: Richelle M. Thomson, First Deputy Corporation Counsel

SUBJECT: (GREAT-19) BANK OF AMERICA COMMITMENT TO PROVIDE MORTGAGES FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS; RESOLUTION AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL BRONSTER FUJICHAKU ROBBINS, A LAW CORPORATION, TO FILE LEGAL CLAIMS AGAINST BANK OF AMERICA AND OTHER MORTGAGE LENDERS FOR FAILURE TO FULFILL LOAN COMMITMENTS, FRAUDULENT FORECLOSURES, AND SIMILAR UNLAWFUL CONDUCT, AND IN BANK OF AMERICA, N.A. v. COUNTY OF MAUI, ET AL., CIVIL 1:20-CV-00310 JMS-WRP

Our Department respectfully requests the opportunity to present a resolution to the Government Relations, Ethics, and Transparency Committee to consider the authorizing of additional compensation related to the employment of Bronster Fujichaku and Robbins, a Law Corporation, with regard to the above-referenced matters at its next scheduled meeting, or as soon thereafter as it may be heard.

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.

Michael Molina, Chair  
Government Relations, Ethics, and Transparency Committee  
January 29, 2021  
Page | **2**

We request that a representative from the Bronster Fujichaku Robbin's firm be present to answer any questions that may arise.

Thank you for your attention to this matter.

cc: Traci Fujita, Director of the Office of Council Services

# Resolution

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

AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL BRONSTER FUJICHAKU ROBBINS, A LAW CORPORATION, TO FILE LEGAL CLAIMS AGAINST BANK OF AMERICA AND OTHER MORTGAGE LENDERS FOR FAILURE TO FULFILL LOAN COMMITMENTS, FRAUDULENT FORECLOSURES, AND SIMILAR UNLAWFUL CONDUCT, AND IN BANK OF AMERICA, N.A. v. COUNTY OF MAUI, ET AL., CIVIL 1:20-CV-00310 JMS-WRP

WHEREAS, on July 20, 2020, by Resolution No. 20-97, the Council authorized the employment of special counsel BRONSTER FUJICHAKU ROBBINS, A LAW CORPORATION to file legal claims against Bank of America and other mortgage lenders for failure to fulfill loan commitments, fraudulent foreclosures, and similar unlawful conduct.

WHEREAS, on July 10, 2020, Bank of America filed a complaint in Bank of America, N.A. v. County of Maui Civil 1:20-CV-00310 asking the court, amongst other claims, to issue a declaratory judgment that any claims by the County against Bank of America are preempted by federal law.

WHEREAS, the Department of the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel by an additional \$89,824.88 for payment of special counsel's additional billings to defend the County in Bank of America's suit against the County, for a total compensation not exceeding \$289,824.88; now, therefore,

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

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

1. That the Council hereby approves and authorizes an increase in compensation for the employment of special counsel Bronster Fujichaku Robbins, a Law Corporation, to file legal claims against Bank of America and other mortgage lenders for failure to fulfill loan commitments, fraudulent foreclosures, and similar unlawful conduct, and to defend the County in Bank of America, N.A. v. County of Maui, Civil 1:20:CV-00310 JMS-WRP; and

2. That certified copies of this resolution be transmitted to the Council Chair, the Mayor, the Corporation Counsel, the Director of Council Services, the Director of Finance, and Bronster Fujichaku Robbins, a Law Corporation.

APPROVED AS TO FORM AND LEGALITY:

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RICHELLE M. THOMSON  
First Deputy Corporation Counsel  
County of Maui