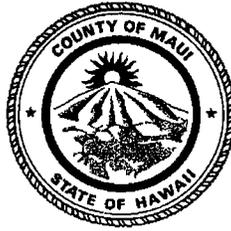


ALAN M. ARAKAWA  
Mayor



PATRICK K. WONG  
Corporation Counsel

EDWARD S. KUSHI  
First Deputy

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

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  
TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

RECEIVED  
2017 JUN 26 PM 3:16  
OFFICE OF THE  
COUNTY COUNCIL

June 26, 2017

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

F R O M: Moana M. Lutey and Kristin K. Tarnstrom *[Signature]*  
Deputies Corporation Counsel

SUBJECT: Litigation Matters (PRL-1)  
Jason Griego and James Sanchez v. County of Maui, et al., Civ.  
No. 15-00122 SOM KJM

Our Department respectfully requests the opportunity to discuss the indemnification of police officer Myles S. Won in the above-captioned matter during executive session. Our department would like to have this matter considered at the next committee meeting. The resolution, copies of the Second Amended Complaint for Damages and the letter from the Police Commission approving legal representation are attached for your perusal.

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.

Our department would also like to request that a representative of the Department of Police be at the meeting to answer any questions that may arise.

Thank you for your anticipated assistance on this matter.

MML:cs  
Enclosure

cc: Police Chief Tivoli Faaumu

# Resolution

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

INDEMNIFYING MYLES S. WON IN JASON GRIEGO AND JAMES  
SANCHEZ V. COUNTY OF MAUI, ET AL., CIVIL NO. 15-00122 SOM KJM

WHEREAS, Myles S. Won (“Defendant”), who was an employee of the Department of Police on July 14, 2013, has been named as a defendant in his individual capacity, in the case of Jason Griego and James Sanchez v. County of Maui, et al., Civil No. 15-00122 SOM KJM; and

WHEREAS, Plaintiffs Jason Griego and James Sanchez allege that Defendant violated their rights under the Fourth, Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution as well as Article I of the Constitution of the State of Hawaii and that they suffered damages and injuries as a result of an incident on July 14, 2013; and

WHEREAS, on March 18, 2016, the Council adopted Resolution 16-37, indemnifying Anselm Yazaki, Aly Miyashiro, and Myrna Sabas-Ryder in the case; and

WHEREAS, Plaintiffs filed a Second Amended Complaint on July 22, 2016, removing Myrna Sabas-Ryder as a defendant and naming Myles S. Won as a defendant in the case; and

WHEREAS, the County of Maui filed its Answer to the Second Amended Complaint on August 4, 2016; and

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

WHEREAS, the Police Commission has reviewed this matter under its statutory authority and determined that this Defendant is entitled to legal representation; and

WHEREAS, based upon an investigation of this matter, the Department of the Corporation Counsel believes there to be a good faith basis for indemnification and has recommended that the Council indemnify this Defendant for any damages that may be assessed against him in this case; and

WHEREAS, Plaintiffs seek general, special, and punitive damages, and interest and costs of suit; and

WHEREAS, based upon the recommendation of the Department of the Corporation Counsel, it appears at this time that it would be in the best interest of the County of Maui to indemnify Defendant in this case; now, therefore,

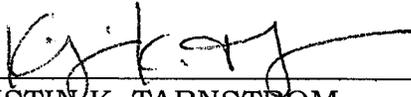
BE IT RESOLVED by the Council of the County of Maui:

1. That Myles S. Won is indemnified by the County of Maui for any damages that may be assessed against him in this case; and

2. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, the Chief of Police, and the Director of Finance.

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

APPROVED AS TO FORM AND LEGALITY:



---

KRISTIN K. TARNSTROM  
Deputy Corporation Counsel  
County of Maui  
Lit 5482 – Griego v COM