

Resolution

No. 25-226

AUTHORIZING SETTLEMENT OF THE ESTATE OF MATTHEW LOUIS PERREIRA, DECEASED, ET AL. VS. PATRICK GEORGE VENTURA; COUNTY OF MAUI; STATE OF HAWAII; ALEXANDER & BALDWIN, LLC; CIVIL 2CCV-22-0000045

WHEREAS, Plaintiffs The Estate of Matthew Louis Perreira, Deceased, by Chloe Perreira and Robert Perreira, Special Co-Administrators of the Estate of Matthew Louis Perreira, Deceased; Chloe Perreira, Individually and as Next Friend of I.J.P., a Minor; Renee Perreira, and Robert Perreira ("Plaintiffs"), filed a Third Amended Complaint on June 13, 2023 in the Second Circuit Court, State of Hawai'i, Civil 2CCV-22-0000045, against Patrick George Ventura, County of Maui, State of Hawai'i, and Alexander & Baldwin, LLC, alleging wrongful death and damages from a motor vehicle versus motorcycle collision that occurred at the intersection of Dairy Road and Hukilike Street in Kahului, Maui, Hawai'i, on December 13, 2020; and

WHEREAS, Plaintiffs allege that the death of Matthew Perreira resulted from unreasonably dangerous road conditions at the intersection of Dairy Road and Hukilike Street; and

WHEREAS, Plaintiffs allege that Defendants County of Maui, State of Hawai'i and/or Alexander & Baldwin, LLC negligently operated, maintained, controlled, patrolled, managed, invited, and/or allowed Dairy Road and Hukilike Street to be used by the public and as a result of which conduct, the line of sight for motorists at said intersection was obstructed, which caused the collision; 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 presented in an executive meeting before the Government Relations, Ethics, and Transparency 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

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negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

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


1. That under Maui County Code Section 3.16.20, it approves settlement of The Estate of Matthew Louis Perreira, Deceased, et al. vs. County of Maui, et al.; Civil 2CCV-22-0000045, under the terms discussed in an executive meeting before its Government Relations, Ethics, and Transparency Committee;
2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval;
3. That it authorizes the Director of Finance of the County of Maui to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval; and
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, The Director of Public Works, and the Department of the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



GLEN R. PASCUAL
Deputy Corporation Counsel
County of Maui
LIT-7894

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "John R. Lee", is written over a horizontal line.

Upon the request of the Mayor.