

COUNCIL OF THE COUNTY OF MAUI

**PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE**

December 15, 2017

**Committee
Report No. _____**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on November 28, 2017, makes reference to County Communication 17-6, from Council Chair Mike White, relating to litigation matters.

By correspondence dated November 7, 2017, the Department of the Corporation Counsel requested consideration of the possible settlement of Ivanette P. Blevins v. Shawn K. Mida, County of Maui, et al., Civil 16-1-0191(2). Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF IVANETTE P. BLEVINS, ET AL. VS. SHAWN K. MIDA; COUNTY OF MAUI, ET AL., CIVIL NO. 16-1-0191(2)," and a copy of the complaint. The purpose of the proposed resolution is to authorize the Department to settle the case.

Your Committee notes the complaint alleges Ivanette P. Blevins was a passenger in a vehicle stopped at the intersection of Makawao Avenue and Koehana Place, Maui, Hawaii, on August 15, 2013, when Shawn K. Mida, a County employee, was driving a County vehicle that collided with the rear end of another County vehicle, causing that vehicle to collide with the vehicle in which Ms. Blevins was riding. Ms. Blevins alleges physical injuries and emotional distress as a result of the accident.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$7,500.

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A Deputy Corporation Counsel provided a brief overview of the case. The Deputy said Mr. Mida, an officer with the Department of Police, dropped a pen while driving, got distracted, and collided with the patrol vehicle in front of him. The impact caused that patrol vehicle to collide with the vehicle in front of him, in which Ms. Blevins was riding. That vehicle in turn collided with the vehicle in front of it. In total, four vehicles were involved in the incident.

The Deputy said the Department had received a settlement offer from the plaintiff.

Because the case involves ongoing litigation and confidential medical information, the Deputy requested the opportunity to convene an executive meeting.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes; and to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department, your Committee voted 8-0 to recommend adoption of the proposed resolution to authorize settlement of the case. Committee Chair Guzman, Vice-Chair King, and members Atay, Carroll, Crivello, Hokama, Sugimura, and White voted "aye." Committee member Cochran was excused.

Your Committee is in receipt of a revised proposed resolution, entitled "AUTHORIZING SETTLEMENT OF IVANETTE P. BLEVINS VS. SHAWN K. MIDA; COUNTY OF MAUI, ET AL., CIVIL NO. 16-1-0191(2)," approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

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Your Parks, Recreation, Energy, and Legal Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF IVANETTE P. BLEVINS VS. SHAWN K. MIDA; COUNTY OF MAUI, ET AL., CIVIL NO. 16-1-0191(2)," be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



DON S. GUZMAN, Chair

prl:cr:17001(28)aa:cmn

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
IVANETTE P. BLEVINS VS. SHAWN K. MIDA;
COUNTY OF MAUI, ET AL., CIVIL NO. 16-1-0191 (2)

WHEREAS, Plaintiff Ivanette P. Blevins filed a lawsuit in the Circuit Court of the Second Circuit in the State of Hawaii on April 14, 2016, Civil No. 16-1-0191(2), against the County of Maui, et al., alleging physical injuries and emotional distress caused by a motor vehicle accident that occurred on Makawao Avenue, Maui, Hawaii, on August 15, 2013; 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, 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 the settlement; now, therefore,

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

Resolution No. _____

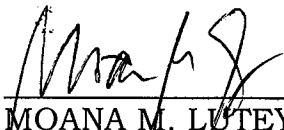
1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs Committee; and

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 Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui
Lit 5725 Blevins v. COM