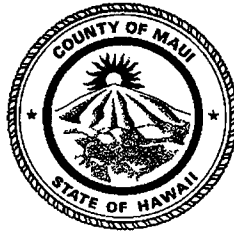


ALAN M. ARAKAWA
Mayor



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, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

2018 JUN 26 PM 4:14
OFFICE OF THE
COUNTY COUNCIL

RECEIVED

June 26, 2018

MEMO TO: Donald Guzman, Chair
Parks, Recreation, Energy, and Legal Affairs Committee

FROM: Brian Bilberry, Deputy Corporation Counsel

A handwritten signature in black ink, appearing to be "B. Bilberry", is written over the name in the "FROM:" field.

SUBJECT: LITIGATION MATTERS – Case Status (PRL-1(33))
Spirit of Aloha Temple v. County of Maui, Civil No. 14-00535 SOM-RLP

Our Department respectfully requests the opportunity to present a pretrial status report and information to the Parks, Recreation, Energy, and Legal Affairs Committee, and to discuss settlement options with regard to the above-referenced lawsuit. We would like this matter heard at the July 24, 2018 committee meeting. Trial is currently set for September 25, 2018.

A proposed Resolution authorizing settlement is attached.

This matter will involve discussion of confidential communications and attorney work product information. As such, 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.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated assistance in this matter.

cc: William Spence

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
SPIRIT OF ALOHA TEMPLE, ET. AL. V. COUNTY OF
MAUI, ET AL., CIVIL NO. CV 14-00535 SOM-RLP

WHEREAS, Plaintiffs Spirit of Aloha Temple, et al. filed a lawsuit in the United States District Court for the District of Hawaii, Civil No. CV 14-00535 SOM-RLP, against the County of Maui and Maui Planning Commission on November 26, 2014, seeking review of an administrative determination denying their application for a Special Use Permit, and asserting a religious discrimination claim following denial of the application; 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 set forth 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 Corporation Counsel, the Council wishes to authorize 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 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 Planning Director, the Maui Planning Commission, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



BRIAN A. BILBERRY
Deputy Corporation Counsel
County of Maui