

REQUEST FOR LEGAL SERVICES

RECEIVED

Date: August 14, 2019
From: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

2019 AUG 20 AM 7: 26

OFFICE OF THE COUNTY COUNCIL

MEMORANDUM
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Caleb Rowe, Esq.

Subject: LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: FARMERS INSURANCE HAWAII, INC., ON BEHALF OF MARIE CHESTER; CLAIM 30181069017-0001) (GET-11(12))

Background Data: Please revise proposed resolution as reflected in the attached markup. A hard copy of the revised proposed resolution, approved as to form and legality, is requested with your response.

Work Requested: [X] FOR APPROVAL AS TO FORM AND LEGALITY
[ ] OTHER:

Table with 2 columns: Requestor's signature (Michael J. Molina) and Contact Person (Carla Nakata or David Raatz).

[ ] ROUTINE (WITHIN 15 WORKING DAYS) [ ] RUSH (WITHIN 5 WORKING DAYS)
[X] PRIORITY (WITHIN 10 WORKING DAYS) [ ] URGENT (WITHIN 3 WORKING DAYS)

[ ] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES):
REASON:

FOR CORPORATION COUNSEL'S RESPONSE

Assigned to: CPR, Assignment No. 2018-0549, By: JEO

TO REQUESTOR: [ ] APPROVED [ ] DISAPPROVED [ ] OTHER (SEE COMMENTS BELOW)
[ ] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):
Made requested changes

DEPARTMENT OF THE CORPORATION COUNSEL

Date: 8/19/19

By: [Signature]

(Rev. 7/03)

# Resolution

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

AUTHORIZING SETTLEMENT OF CLAIM NO. 30181069017-0001  
OF FARMERS INSURANCE HAWAII, INC., ON BEHALF OF  
MARIE CHESTER

WHEREAS, Farmers Insurance Hawaii, Inc. filed Claim No. 30181069017-0001 on September 25, 2018, against the County of Maui for damages to Marie Chester's vehicle resulting from a collision involving a Maui County fleet vehicle on August 8, 2018; and

WHEREAS, Marie Chester is insured for such damage by Farmers Insurance Hawaii, Inc.; and

WHEREAS, Farmers Insurance Hawaii, Inc., as subrogee of this claim, has alleged that the County of Maui is liable for the expenses paid by Farmers Insurance Hawaii, Inc.; and

WHEREAS, the County of Maui and Farmers Insurance Hawaii, Inc., to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, have reached a proposed resolution of this claim by way of a negotiated settlement; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement 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:

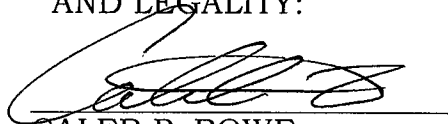
**Resolution No. \_\_\_\_\_**

1. That it hereby approves settlement of Claim No. 30181069017-0001 in the amount of EIGHT THOUSAND ONE AND 99/100 DOLLARS (\$8,001.99); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Farmers Insurance Hawaii, Inc.; and

3. That certified copies of this Resolution be transmitted to the Mayor; the Director of Finance; the Director of Parks and Recreation; and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



CALEB P. ROWE  
Deputy Corporation Counsel  
County of Maui  
2018-0549