

REQUEST FOR LEGAL SERVICES

RECEIVED

By Dept. of The Corporation Counsel at 1:34 pm, Jan 31, 2018

Date: January 31, 2018
From: Don S. Guzman, Chair
Parks, Recreation, Energy, and Legal Affairs Committee

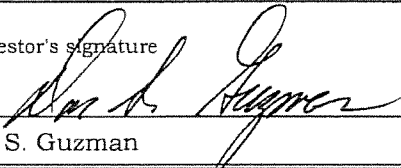
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Kristin Tarnstrom, Esq.

Subject: LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. LANAI WASTE REMOVAL, INC., ET AL.; CIVIL 15-1-0476(2)) (PRL-1(39))

Background Data: Please revise proposed resolution as noted on the attached markup. Please return a hard copy of the revised proposed resolution, approved as to form and legality.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Don S. Guzman	Contact Person Carla Nakata (Telephone Extension: 7659)
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RECEIVED
2018 JAN 31 PM 4:20
OFFICE OF THE
COUNTY COUNCIL

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

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): Wednesday, February 7, 2018
REASON: To meet posting deadline.

FOR CORPORATION COUNSEL'S RESPONSE


ASSIGNED TO: KKT	ASSIGNMENT NO. 2017-0099	BY: kku
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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):
Edited as requested

DEPARTMENT OF THE CORPORATION COUNSEL

Date 1/31/18

By  (Rev. 7/03)

pri:ltr:001(39)acc01:cmn

Attachment

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
COUNTY OF MAUI V. LANAI WASTE REMOVAL, INC., ET AL.,
CIVIL NO. 15-1-0476(2)

WHEREAS, Plaintiff County of Maui (“County”) filed a Complaint against Lanai Waste Removal, Inc.; Lanai Trucking, Inc.; Charlene Amoral; and Manuel Amoral, Jr. (“Defendants”) in the Circuit Court of the Second Circuit, State of Hawaii, on September 3, 2015, which has been designated as Civil No. 15-1-0476(2); and

WHEREAS, Defendant Charlene Amoral has been dismissed from this action; and

WHEREAS, remaining Defendants have, as of the date of the filing of the Complaint, accumulated \$321,019.22 in past-due tipping fees owed to the County; and

WHEREAS, remaining Defendants previously entered into a Repayment Agreement with the County and eventually fully abandoned their payment obligations; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of all previous attempts to reach a resolution of this case by way of a negotiated settlement, the Council wishes to authorize the settlement; now, therefore,

Resolution No. _____

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 of Maui 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 of the County of Maui to accept payment of 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 Director of Environmental Management, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



KRISTIN K. TARNSTROM
Deputy Corporation Counsel
County of Maui