

# Resolution

No. 23-234

INDEMNIFYING HERMAN ANDAYA IN AMIR HOSSEIN SHEIKHAN, ETC.,  
ET AL. V. HAWAIIAN ELECTRIC INDUSTRIES, ETC., ET AL.,  
CIVIL NO. 2CCV-23-0000260

WHEREAS, Herman Andaya (“Defendant Andaya”), who was the Emergency Management Administrator for the County of Maui on August 8, 2023, has been named as a defendant in his individual capacity in AMIR HOSSEIN SHEIKHAN, ETC., ET AL. V. HAWAIIAN ELECTRIC INDUSTRIES, ETC., ET AL., CIVIL NO. 2CCV-23-0000260; and

WHEREAS, Plaintiffs allege negligence on the part of Defendant Andaya and that they suffered varying types of injuries, damages, losses, and/or harm as a result of the Lahaina fire; and

WHEREAS, based upon review of this matter, the Department of the Corporation Counsel believes there to be a good faith basis for indemnification and has recommended that the Council indemnify Defendant Andaya for any damages that may be assessed against him in this matter; and

WHEREAS, Plaintiffs seek general, special, and punitive damages, and interest and costs of suit in their Complaint; and

WHEREAS, based upon the recommendation of the Department of the Corporation Counsel, it appears at this time that it would be in the best interest of the County of Maui to indemnify Defendant Andaya in this matter; now, therefore,

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

1. That Herman Andaya is indemnified by the County of Maui for any damages that may be assessed against him in this matter; and

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2. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, the Director of Finance, and Herman Andaya.

APPROVED AS TO FORM AND LEGALITY:



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VICTORIA J. TAKAYESU  
Corporation Counsel  
County of Maui  
LIT-7990 2023-11-15 Reso Indemnify Andaya

INTRODUCED BY:

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

Upon the request of the Mayor.