

# REQUEST FOR LEGAL SERVICES

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

TRANSMITTAL

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

**Subject:** LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: THE HARTFORD INSURANCE COMPANY, ON BEHALF OF GORDON AND RAMONA COCKETT; CLAIM B811500564-0004-01) (GET-11(14))

**Background Data:** Please check whether the attached proposed resolution should reference the claim of The Hartford Insurance Company, on behalf of Gordon and Ramona Cockett, as reflected in the transmittal memo. If so, please revise the title and text of the proposed resolution accordingly (see, for example, the proposed resolution for GET-11(12)). Please also revise the reference in the third BE IT RESOLVED paragraph from "Police Chief" to "Chief of Police." A hard copy of the revised proposed resolution, approved as to form and legality, is requested with your response.

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

Requestor's signature  Michael J. Molina	Contact Person Carla Nakata or David Raatz (Telephone Extension: 7659 or 7664, respectively)
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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): \_\_\_\_\_  
REASON: \_\_\_\_\_

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

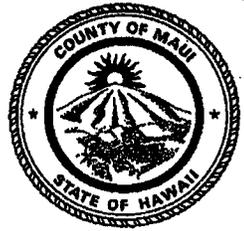
By \_\_\_\_\_

GET-11 (14)

RECEIVED

2019 MAY 14 AM 9:05

OFFICE OF THE  
COUNTY COUNCIL



**MICHAEL P. VICTORINO**  
Mayor

**MOANA M. LUTEY**  
Acting Corporation Counsel

**EDWARD S. KUSHI, JR.**  
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, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
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TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

May 13, 2019

MEMORANDUM

TO: Michael J. Molina, Chair  
Governance, Ethics, and Transparency Committee

FROM: Caleb P. Rowe, Deputy Corporation Counsel 

SUBJECT: Litigation Matters – Settlement of Claims and Lawsuits (GET-1)  
Settlement of Claim No.: B811500564-0004-01 of The Hartford Insurance  
Company, on behalf of Gordon and Ramona Cockett

Pursuant to Section 3.16.020B of the Maui County Code, our department hereby requests authorization to discuss settlement of the aforementioned claim. There is no immediate deadline to this matter.

Copies of the claim and proposed Resolution are enclosed. If you have any questions, or concerns, please do not hesitate to contact me.

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.

CPR:chs  
Enclosure

cc: Tivoli Faaumu, Chief of Police, Maui Police Department

# Resolution

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

## AUTHORIZING SETTLEMENT OF CLAIM NO. B811500564-0004-01 OF GORDON AND RAMONA COCKETT

WHEREAS, Gordon and Ramona Cockett, filed Claim No. B811500564-0004-01 on April 8, 2019, against the County of Maui for damages to their vehicle resulting from a collision involving a Maui County fleet vehicle on April 24, 2018; and

WHEREAS, Gordon and Ramona Cockett have alleged that the County of Maui is liable for the expenses paid by The Hartford Insurance Company; and

WHEREAS, the County of Maui and Gordon and Ramona Cockett, 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:

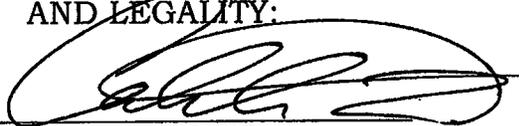
1. That it hereby approves settlement of Claim No. B811500564-0004-01 in the amount of NINE THOUSAND ONE HUNDRED THIRTY-FOUR AND 90/100 DOLLARS (\$9,134.90); and

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

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Property Damage Claim" by Gordon and Ramona Cockett; and

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Police Chief, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



CALEB P. ROWE  
Deputy Corporation Counsel  
County of Maui  
RISK 2019-0098