

# REQUEST FOR LEGAL SERVICES

**Date:** June 5, 2019  
**From:** Michael J. Molina, Chair  
Governance, Ethics, and Transparency Committee


TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Brian Bilberry, Esq.

**Subject:** LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. PEDRO TOLENTINO, JR., ET AL.; CIVIL 18-1-0124(1)) (GET-11(51))

**Background Data:** Please incorporate the revisions reflected on the attached mark-up and, if appropriate, approve the revised resolution as to form and legality. A hard copy of the revised resolution is requested with your response.

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

Requestor's signature  Michael J. Molina	Contact Person <u>Carla Nakata</u> (Telephone Extension: 7659)
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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 \_\_\_\_\_

(Rev. 7/03)

get:ltr:011(51)acc01:cmn

Attachment

# Resolution

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

AUTHORIZING SETTLEMENT OF  
COUNTY OF MAUI vs. PEDRO TOLENTINO, JR., ET AL.,  
CIVIL NO. 18-1-0124(1)

WHEREAS, Plaintiff County of Maui and Department of Planning filed a Complaint in the Circuit Court of the Second Circuit, State of Hawaii, on March 15, 2018, Civil No. 18-1-0124(1), against Defendants Pedro Tolentino, Jr., and Eddie Bracerros Tolentino, to obtain an injunction to enforce compliance with the Maui County Code provisions which the Defendants Tolentinos were violating, and to enforce payment of the civil fines for said County Code violations;

WHEREAS, Defendants filed their Answers on May 14, 2018; 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 and stipulated dismissal; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle and stipulate to dismiss this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

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

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised by the Department of the Corporation Counsel, the Council wishes to authorize the settlement and stipulated dismissal; now, therefore,

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

1. That it approves settlement and stipulated dismissal of this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

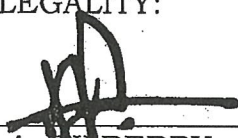
2. That it further authorizes the Mayor to execute a Stipulation for Dismissal on behalf of the County in this case ~~under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel;~~ and

3. That it hereby authorizes the Director of Finance to satisfy as necessary said stipulated dismissal 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, and the Corporation Counsel.

APPROVED AS TO FORM

AND LEGALITY:

  
\_\_\_\_\_  
BRIAN A. BIBBERRY  
Deputy Corporation Counsel  
County of Maui