

REQUEST FOR LEGAL SERVICES

RECEIVED

Date: August 13, 2019

From: Michael J. Molina, Chair

2019 AUG 13 PM 3:37

Governance, Ethics, and Transparency Committee

TRANSMITTAL

Memo to:

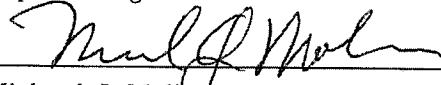
DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Thomas Kolbe, Esq.

OFFICE OF THE
COUNTY COUNCIL

Subject: LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: KAMOKU CONTRACTING, LLC V. COUNTY OF MAUI; CIVIL 18-1-0180(2)) (GET-11(15))

Background Data: Please revise proposed resolution as reflected on the attached markup, if appropriate. A hard copy of the approved resolution 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 (Telephone Extension: 7659)
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- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): August 13, 2019
REASON: For posting on August 20, 2019 Committee agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>TWK</u>	ASSIGNMENT NO. <u>Lit 5720</u>	BY: <u>LKK</u>
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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 8/13/2019

By 

(Rev. 7/03)

get:ltr:011(15)acc02:cmn

Attachment

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
KAMOKU CONTRACTING, LLC VS. COUNTY OF MAUI,
CIVIL NO. 18-1-0180(2)

WHEREAS, Plaintiff Kamoku Contracting, LLC filed a lawsuit in the Circuit Court of the Second Circuit in the State of Hawaii on April 25, 2018, Civil No. 18-1-0180(2), against the County of Maui, claiming a breach of contract regarding a construction project at Papohaku Park, Wailuku, Maui, Hawaii; 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 or Offer of Judgment; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee on August 20, 2019; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, 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 Governance, Ethics, and Transparency Committee on August 20, 2019; and
2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case; and
3. That it hereby authorizes the Director of Finance to satisfy said settlement of this case; and
4. 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:



THOMAS KOLBE
Deputy Corporation Counsel
County of Maui
Lit 5720