

Resolution

No. 25-13

AUTHORIZING SETTLEMENT OF HAWAIIAN TELCOM, INC. V.
COUNTY OF MAUI; ABRAHAM PARK, ET AL., CIVIL NO. 2CCV-23-0000401

WHEREAS, Plaintiff Hawaiian Telcom, Inc. ("Plaintiff") filed a Complaint on December 8, 2023 in Second Circuit Court, State of Hawaii, Civil No. 2CCV-23-0000401 against the County of Maui and Abraham Park, an employee with the County's Department of Public Works ("County") for property damage sustained on December 14, 2021; and

WHEREAS, Plaintiff alleges that on December 14, 2021, Abraham Park negligently operated a County truck causing his backhoe load to hit and snag utility lines strung from utility poles near mile post marker 48 on Hana Highway, causing damage to the utility poles and utility lines; 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 claim by way of a negotiated settlement; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms in an executive meeting before the Government Relations, Ethics, and Transparency committee; 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 by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

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

1. That under Maui County Code section 3.16.020, it approves settlement of Hawaiian Telcom, Inc. vs. County of Maui; Abraham Park, et al., under the terms discussed in an executive meeting before its Government Relations, Ethics and Transparency committee;

2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under the terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval;

3. That it authorizes the Director of Finance of the County of Maui to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval; and

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Public Works and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



GLEN R. PASCUAL
Deputy Corporation Counsel
County of Maui
LIT-8966

INTRODUCED BY:

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

Upon the request of the Mayor.