

Resolution

No. 22-236

AUTHORIZING SETTLEMENT OF DONALD S. GUZMAN
V. COUNTY OF MAUI, ET AL., CIVIL NO. 21-00202 DKW-RT

WHEREAS, Plaintiff Donald S. Guzman filed a complaint in the United States District Court for the District of Hawaii on April 23, 2021, Civil No. 21-00202 DKW-RT, against the County of Maui, et al. alleging that his rights to privacy and due process under the United States Constitution were violated pursuant to 42 U.S.C. § 1983 and that he was discriminated against based on a disability pursuant to Hawaii Revised Statutes § 378-2(a)(1)(A); and

WHEREAS, Defendant County of Maui filed a Motion for Summary Judgment on July 26, 2021. On October 6, 2021, the Court issued an Order Granting in Part and Denying in Part County's Motion for Summary Judgment, leaving only Plaintiff's due process claim active; and

WHEREAS, on October 20, 2021 the County of Maui filed its Answer; and

WHEREAS, on March 24, 2022 Plaintiff filed a Partial Motion for Summary Judgment; and

WHEREAS, on June 25, 2022 the Court issued an order granting Plaintiff's Partial Motion for Summary Judgment, leaving only the damages claim in dispute; and

WHEREAS, on October 8, 2022 the Honorable Magistrate Judge Trader submitted a mediator's proposal and has requested that the proposal be presented to Council prior to a trial date scheduled for November 28, 2022; 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 presented 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

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negotiated settlement or Offer of Judgment 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 it approves settlement of Donald S. Guzman v. County of Maui, 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 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 Prosecuting Attorney, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



MOANA M. LUTEY
Corporation Counsel
Lit 6269

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INTRODUCED BY:

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

Upon the request of the Mayor.