

Resolution

No. 23-88

AUTHORIZING SETTLEMENT OF ONO GELATO OF PAIA, LLC, A HAWAI'I LIMITED LIABILITY COMPANY v. COUNTY OF MAUI, CIVIL 2CCV-22-0000258

WHEREAS, Ono Gelato of Paia, LLC, a Hawai'i limited liability company, filed a lawsuit in the Second Circuit Court of the State of Hawai'i on November 4, 2022, Civil 2CCV-22-0000258, against the County of Maui for negligent misrepresentation and/or nondisclosure, tortious interference with business relations, violation of due process and equal protection, and unequal enforcement of law, and to recover economic losses located at 115 Hana Highway, Unit D, Paia, Hawai'i 96779; 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 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

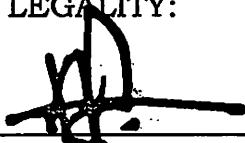
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negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

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

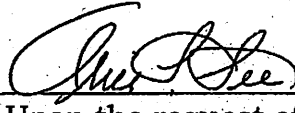
1. That it approves settlement of this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee;
2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case;
3. That it authorizes the Director 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 Planning, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



BRIAN A. BILBERRY
Deputy Corporation Counsel
County of Maui
LIT-7859

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.