

# Resolution

No. 23-107

AUTHORIZING SETTLEMENT OF KAREN GOO, ET AL.  
v. MAYOR ALAN ARAKAWA, ET AL., CIVIL CAAP-17-0000858

WHEREAS, Karen Goo, et al., filed a lawsuit in the Intermediate Court of Appeals of the State of Hawaii on December 2, 2017, Civil CAAP-17-0000858, against Mayor Alan Arakawa, et al. to appeal the Order granting Defendants VP&PK (ML) LLC, KCOM CORP. AND NEW SAND HILLS LLC's Motion to Vacate (1) Order Granting Plaintiffs' Motion for Partial Summary Judgment Entered on December 31, 2008, (2) Final Judgment Entered on January 12, 2009, and (3) Final Judgment Entered on April 3, 2009 and (4) Final Judgment Filed on September 30, 2009, and Final Judgment, filed November 24, 2017; 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

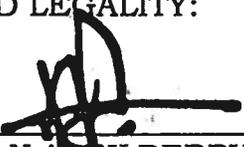
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negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

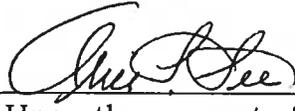
BE IT RESOLVED by the Council of the County of Maui:

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, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
BRIAN A. BILBERRY  
Deputy Corporation Counsel  
County of Maui  
LIT-5791

INTRODUCED BY:

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

Upon the request of the Mayor.