RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
Corporation Counsel

MIMI DESJARDINS
First Deputy

LYDIA A. TODA
Risk Management Officer

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2026 JUL -9 PM 2:32
OFFICE OF THE
COUNTY CLERK

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808)270-7740

July 9, 2026

Via email only at county.clerk@mauicounty.us
Honorable Alice L. Lee, Chair
and Members of the Council
County of Maui
Wailuku, Hawai'i 96793

SUBJECT: Litigation Matter – Settlement Authorization
BAO NGOC TRAN vs. COUNTY OF MAUI, LAYNE BELEN, ET AL.;
CIVIL NO.: 2CCV-24-0000844

Dear Chair Lee and Councilmembers:

Please find attached separately a Proposed Resolution entitled "*AUTHORIZING SETTLEMENT OF BAO NGOC TRAN vs. COUNTY OF MAUI; LAYNE BELEN; ET AL.;* CIVIL NO.: 2CCV-24-0000844." The purpose of the proposed resolution is to discuss settlement authority with regards to the above-referenced lawsuit.

I request that the proposed resolution be scheduled for discussion and action, or referral to the appropriate standing committee as soon as possible. Trial is scheduled for September 14, 2026. A settlement conference with the Honorable Judge Michelle Drewyer is scheduled for August 6, 2026. For further information, I have also attached the Complaint filed on August 21, 2024.

An Executive session may be necessary to discuss questions and issues pertaining to the powers, duties privileges, immunities and liabilities of the County, the Council, and/or the Committee

If you have any questions or concerns, please do not hesitate to contact us. Thank you for your anticipated assistance in this matter.

Sincerely,

GLEN R. PASCUAL
Deputy Corporation Counsel

cc: Director Patrick McCall, Department of Parks and Recreation

Attachments:

(1) Proposed Resolution: "AUTHORIZING SETTLEMENT OF BAO NGOC TRAN vs. COUNTY OF MAUI; LAYNE BELEN; ET AL., DOE DEFENDANTS 1-10; CASE NO.: 2CCV-24-0000844"

(2) Complaint filed August 21, 2024

JJG 8/23/24 @ 3:00 pm

BCS/BJS

LOWENTHAL & LOWENTHAL, LLLC
JACOB K. LOWENTHAL (9945)
122 Maa Street, Unit B
Kahului, Maui, Hawaii 96732
Telephone: (808) 242-5000
Facsimile: (808) 242-1500
Email: jkl@lowenthal-hawaii.com

Attorney for Plaintiff

Electronically Filed
SECOND CIRCUIT
2CCV-24-0000844
21-AUG-2024
11:16 AM
Dkt. 1 CMPS

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

BAO NGOC TRAN, Plaintiff v. COUNTY OF MAUI; BELEN LAYNE; JOHN DOES 1-20; JANE DOES 1-20; DOE CORPORATIONS 1-20; DOE PARTNERSHIPS 1-20; DOE NON-PROFIT ENTITIES 1-20; DOE GOVERNMENTAL UNITS 1-20, Defendants.	CIVIL NO. _____ (Motor Vehicle Tort) COMPLAINT; SUMMONS.

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CORPORATION COUNSEL
'24 AUG 23 P3:05

Plaintiff, BAO NGOC TRAN, by and through her attorney, hereby makes the following claims:

PARTIES

1. Plaintiff is, and at all times relevant hereto was, a resident of British Columbia and present in the County of Maui.
2. Defendant COUNTY OF MAUI ("COM") is a governmental entity of the State of Hawai'i and is subject to the jurisdiction of this Court.

I do hereby certify that the foregoing is a full, true and correct copy of the official court record of the Courts of the State of Hawai'i.
Dated at: Wailuku, Hawai'i 21-AUG-2024, /s/ Sandy S. Kozaki, Clerk of the Second Judicial Circuit, State of Hawai'i

3. Defendant BELEN LAYNE, is and at all times relevant hereto was, a resident of the County of Maui and agent/employee of the COM.

4. The subject of this claim for relief occurred in the County of Maui, State of Hawai'i, and is subject to the jurisdiction of this Court.

5. Plaintiff is presently unable to ascertain the true names of Defendants John Does 1-20, Jane Does 1-20, Doe Corporations 1-20, Doe Partnerships 1-20, Doe Non-Profit Entities 1-20, and Doe Governmental Entities 1-20 (herein Doe Defendants), who are therefore sued herein under fictitious names. Doe Defendants are connected with the named Defendant; and/or are the agents, servants, employees, representatives, or independent contractors of the named Defendant; and/or were in some manner engaged in the activities alleged herein; and/or were in some manner responsible for the injuries and damages sustained by Plaintiff. Pursuant to Hawai'i Rules of Civil Procedure Rule 17(d), Plaintiff will seek leave of Court to identify and substitute the true names, capacities, and responsibilities of the Doe Defendants when they are ascertained.

6. Plaintiff alleges that conduct of other Defendants, presently unknown to Plaintiff, was or may have been a legal cause of the occurrence complained of as well as injuries sustained by Plaintiff, thereby rendering all Defendants, identified or unidentified, legally, jointly, and severally liable to Plaintiff for her sustained injuries.

JURISDICTION AND VENUE

7. The Circuit Court of the Second Circuit, State of Hawaii, has jurisdiction over this matter pursuant to Haw. Rev. Stat. § 603-21.5.

8. Venue is proper pursuant to Haw. Rev. Stat. § 603-36(5) because the claim for relief arose in the Second Circuit.

FACTUAL ALLEGATIONS

9. On or about September 19, 2022, Defendant Belen Layne ("Layne"), an employee of the COM, was operating his county vehicle.

10. Layne, who upon information and belief did not look at any potential traffic beforehand, began pulling out of a private driveway onto Wailea Alanui Drive.

11. Layne did not see Plaintiff Bao Ngoc Tran who was riding a bicycle on Wailea Alanui Drive.

12. Layne failed to yield to Plaintiff, striking her as she rode the bicycle past the driveway.

13. Plaintiff was thrown off her bike and partially run over by Layne's vehicle, causing her leg to be pinned by one of the vehicle tires.

14. As a result of the incident, Plaintiff sustained serious injuries.

LIABILITY

COUNT I -NEGLIGENCE

15. Plaintiff alleges and incorporates by reference the above paragraphs of the Complaint as if fully set forth herein.

16. At all times relevant hereto, Defendants Layne, agent of COM, who operated a motor vehicle on a public roadway, had a duty of care to Plaintiff, who was operating a bicycle on a public roadway.

17. Defendants breached said duty by failing to operate the motor vehicle in a reasonable and prudent manner; failing to yield and failing to pay attention so as to avoid collision with Plaintiff.

18. Defendants' breach of duty was a substantial factor in causing injuries to Plaintiff.

INJURIES AND DAMAGES

19. As a direct and proximate result of Defendants' actions, Plaintiff has sustained injuries for which she is entitled to be compensated, including but not limited to the following:

    a. Past, present and future pain and suffering;

    b. Past, present and future mental distress and anguish;

    c. Lost wages; and

    d. Health care expenses for past and future treatment related to the above.

WHEREFORE, Plaintiff respectfully requests the following:

a. That Defendants be found jointly and severally liable for the injuries, damages and losses described above;

b. That appropriate relief be granted, including awards of general, special, consequential, exemplary, and punitive damages in amounts to be proven at trial, along with reasonable attorney's fees and costs, and such other and further equitable relief as the Court deems just and proper.

Dated: Kahului, Maui, Hawaii, August 20, 2024.

/s/ JACOB K. LOWENTHAL
JACOB K. LOWENTHAL
Attorney for Plaintiff
BAO NGOC TRAN

STATE OF HAWAI'I CIRCUIT COURT OF THE SECOND CIRCUIT	SUMMONS TO ANSWER CIVIL COMPLAINT	
CASE NUMBER	PLAINTIFF'S NAME & ADDRESS, TEL. NO. LOWENTHAL & LOWENTHAL, LLLC JACOB K. LOWENTHAL (9945) 122 Maa Street, Unit B Kahului, HI 96732 Tel: (808) 242-5000 Fax: (808) 242-1500 Email: jkl@lowenthal-hawaii.com	
PLAINTIFF BAO NGOC TRAN		
DEFENDANT(S) COUNTY OF MAUI; BELEN LAYNE; JOHN DOES 1-20; JANE DOES 1-20; DOE CORPORATIONS 1-20; DOE PARTNERSHIPS 1-20; DOE NON-PROFIT ENTITIES 1-20; DOE GOVERNMENTAL UNITS 1-20,		

TO THE ABOVE-NAMED DEFENDANT(S)

You are hereby summoned and required to filed with the court and serve upon

LOWENTHAL & LOWENTHAL, LLLC
By: JACOB K. LOWENTHAL (9945)
122 Maa St, Unit B | Kahului HI 96732
Telephone: (808) 242-5000

plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.

A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRYOF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.

DATE ISSUED 8/21/2024

Effective Date of 03-Jul-2023
signed by: /s/M. Ferreira
Clerk, 2nd Circuit, State of Hawai'i

The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: http://www.courts.state.hi.us

If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:
Call (808) 244-2855 FAX (808) 244-2932 OR Send an e-mail to: adarequest@courts.hawaii.gov. The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

(Rev. 7/3/2023)

STATE OF HAWAI'I CIRCUIT COURT OF THE SECOND CIRCUIT	RETURN AND ACKNOWLEDGMENT OF SERVICE	
CASE NUMBER **2CCV-24-0000844**		
CASE NAME **BAO NGOC TRAN,** **Plaintiff** **v. COUNTY OF MAUI; BELEN LAYNE** **Defendants**		

DOCUMENTS SERVED: COMPLAINT; SUMMONS

I, Sheriff/Police Officer of the State of Hawai'i do hereby certify that I received a certified copy of the documents listed above and that I served the same on COUNTY OF MAUI
(name of party)
on _____ at _____ at _____
(date) (time)
_____ within the State of Hawai'i as follows:
(address)

☐ PERSONAL: By delivering to and leaving with _____, personally.

☐ SUBSTITUTE: [HRCP 4(d) (1) (A)] After due and diligent search and inquiry, I served above-named defendant through _____, a person of suitable age and discretion then residing at said party's usual place of abode, since the defendant could not be found.

☐ SUBSTITUTE: [HRCP 4(d) (1) (B)] I served above-named defendant through _____, authorized agent to receive service of process for said defendant.

☐ BUSINESS/CORPORATION/GOVERNMENTAL ENTITY: On _____
(name of business/corp/entity)
_____ by serving through _____,
(name of person served)
_____, who is the _____ and authorized agent
(position/title)
of said Business/Corporation/Governmental Entity.

☐ GARNISHMENT: I served _____ through _____
(name of garnishee)
_____ who is authorized to accept service for the above-named garnishee.
(name of person served)

☐ NOT FOUND: After due and diligent search and inquiry, I am unable to find _____.
(name of party)

STATE OF HAWAI'I CIRCUIT COURT OF THE SECOND CIRCUIT	RETURN AND ACKNOWLEDGMENT OF SERVICE (Page 2)

CASE NUMBER

2CCV-24-0000844

CASE NAME

BAO NGOC TRAN,
Plaintiff
v. COUNTY OF MAUI; BELEN LAYNE
Defendants

Attorney (Name, I.D. No., Address, Phone)
LOWENTHAL & LOWENTHAL, LLLC | JACOB K. LOWENTHAL (9945)
122 Maa Street, Unit B Kahului, Maui, Hawai'i 96732 | (808) 242-5000

Date:	Sheriff/Police Officer (type or print)	Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE: _____ IN _____ , HAWAI'I	NOTARY PUBLIC'S SIGNATURE: STATE OF HAWAI'I	MY COMMISSION EXPIRES:

ACKNOWLEDGMENT OF SERVICE

[signature] 8/23/24 3:00PM
(signature of person served) (date) (time)
Deputy Corp. Counsel