

# REQUEST FOR LEGAL SERVICES

**Date:** December 13, 2018  
**From:** Don S. Guzman, Chair  
Parks, Recreation, Energy, and Legal Affairs Committee

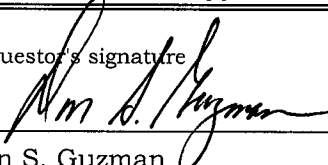
TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Christie Trenholme, Esq.

**Subject:** LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: MOLLIE M. KLINGMAN V. THE COUNTY OF MAUI, ET AL.; CIVIL 16-00399 ACK-RLP) (PRL-1(35))

**Background Data:** Please revise the attached proposed resolution to include the omitted second line of page 1, which should state, "No. \_\_\_\_\_".

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY  
☐ OTHER:

Requestor's signature  Don S. Guzman	Contact Person  Carla Nakata (Telephone Extension: <u>7659</u> )
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)  
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): December 14, 2018, 9:00 a.m.  
REASON: To submit for posting on the December 14, 2018 Council meeting agenda.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)  
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date 12/13/18

By 

(Rev. 7/03)

prl:ltr:001(35)acc01:cmn

Attachment

# Resolution

No. \_\_\_\_\_

AUTHORIZING SETTLEMENT OF  
MOLLIE M. KLINGMAN v. THE COUNTY OF MAUI, ET AL.,  
CIVIL NO. 16-00399 ACK-RLP

WHEREAS, Plaintiff Mollie M. Klingman filed a lawsuit in the United States District Court for the District of Hawaii on July 20, 2016, Civil No. 16-00399 ACK-RLP, against the County of Maui, that alleged gender discrimination and emotional distress; and

WHEREAS, the County of Maui filed a Motion to Dismiss Plaintiff's Complaint on August 25, 2016; and

WHEREAS, the County of Maui's Motion to Dismiss Plaintiff's Complaint was granted on November 28, 2016; and

WHEREAS, the Court allowed Plaintiff to file a First Amended Complaint, which was filed on December 12, 2016; and

WHEREAS, the First Amended Complaint added some clarification to Plaintiff's claims while eliminating the common law emotional distress claims; and

WHEREAS, the County of Maui filed its Answer to the First Amended Complaint on December 27, 2016; and

**Resolution No. \_\_\_\_\_**

WHEREAS, by Resolutions 18-78 and 18-101, the Council previously authorized settlement of the case; 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 Parks, Recreation, Energy, and Legal Affairs 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 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 hereby approves settlement of this case under the terms set forth in an executive meeting before the Parks, Recreation, Energy, and Legal Affairs Committee; and

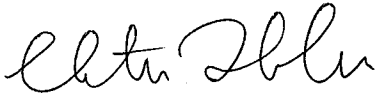
2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

**Resolution No. \_\_\_\_\_**

3. That it hereby authorizes the Director of Finance to satisfy said settlement of this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



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CHRISTIE TRENHOLME  
Deputy Corporation Counsel  
County of Maui