

REQUEST FOR LEGAL SERVICES

Date: October 29, 2019
From: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee


TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Caleb Rowe, Esq.

Subject: LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ROBERT G. STRAUB V. COUNTY OF MAUI AND TEENA RASMUSSEN, USDC; CIVIL 17-00516 JMS-RLP)
(GET-11(29))

Background Data: Please further revise the proposed resolution as reflected in the attached markup. A hard copy of the revised proposed resolution, approved as to form and legality, is requested with your response.

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

Requestor's signature  Michael J. Molina	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: 7134)
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RECEIVED
2019 OCT 29 AM 10:06
OFFICE OF THE
COUNTY COUNSEL

☐ 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): October 29, 2019
REASON: For posting on the November 4, 2019 GET 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):

Requested revisions included

DEPARTMENT OF THE CORPORATION COUNSEL

Date 10/30/19

By 
(Rev. 7/03)

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
ROBERT G. STRAUB v. COUNTY OF MAUI AND
TEENA RASMUSSEN, USDC, CIVIL NO. 17-00516 JMS-RLP

WHEREAS, Plaintiff Robert G. Straub filed a lawsuit in the United States District Court for the District of Hawaii on October 13, 2017, Civil No. 17-000516 JMS-RLP, against the County of Maui, claiming Family Medical Leave Act (“FMLA”) interference, FMLA retaliation, Americans with Disabilities Act association discrimination, and age discrimination; and

WHEREAS, Plaintiffs filed a first amended complaint on November 9, 2017 that added Teena Rasmussen as a defendant; and

WHEREAS, on September 24, 2019, the District Court for the District of Hawaii granted Summary Judgment in favor of the County and Teena Rasmussen on the Counts related to FMLA interference and age discrimination; 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, Ethics, and Transparency Committee; and

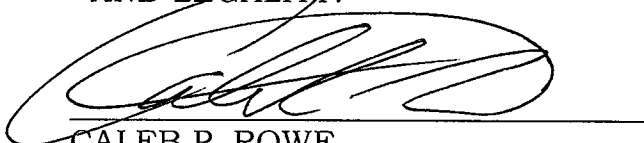
Resolution No. _____

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

A handwritten signature in black ink, appearing to read 'Caleb P. Rowe', is written over a horizontal line.

CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
LIT 5728