

# REQUEST FOR LEGAL SERVICES

**Date:** June 10, 2020  
**From:** Mike Molina, Chair  
Governance, Ethics, and Transparency Committee


TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Gary Murai, Esq.

**Subject:** LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: HAWAII PACIFIC TRENCHLESS, INC. VS. GOODFELLOW BROTHERS, LLC, ET AL., CIVIL NO. 2CC181000436(2)) (GET-11(34))

**Background Data:** Please submit a revised resolution deleting the blanks.

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

Requestor's signature  Mike Molina	Contact Person <u>James Forrest, Legislative Attorney</u> (Telephone Extension: <u>3615</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): June 10, 2020

REASON: To meet posting deadline for the June 19, 2020 Council meeting.

## 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):  
Revised as requested.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 6/12/2020

By /s/ Thomas Kolbe

(Rev. 7/03)

get:ltr:011(34)acc01:jbf

Attachment

# Resolution

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

AUTHORIZING SETTLEMENT OF  
HAWAII PACIFIC TRENCHLESS, INC. VS.  
GOODFELLOW BROTHERS, LLC, ET AL.,  
CIVIL NO. 2CC181000436 (2)

WHEREAS, Plaintiff Hawaii Pacific Trenchless, Inc. filed a lawsuit in the Circuit Court of the Second Circuit in the State of Hawaii on November 5, 2018, Civil No. 2CC181000436 (2), against the County of Maui, claiming damages for (1) unjust enrichment; (2) negligent misrepresentation; and (3) promissory estoppel regarding its performance as a subcontractor on the Kihei Force Main No. 16 Project (C6177), a construction project at Kihei, Maui, Hawaii; 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

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

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

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 Governance, Ethics, and Transparency Committee; and
2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case; and
3. That it hereby 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 the Department of Environmental Management, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



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THOMAS KOLBE  
Deputy Corporation Counsel  
County of Maui  
Lit 5918