

# REQUEST FOR LEGAL SERVICES

**Date:** July 9, 2020

**From:** Mike Molina, Chair

Governance, Ethics, and Transparency Committee

**TRANSMITTAL**

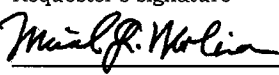
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Gary Murai, Esq.

**Subject:** LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: PERLITA CASINO;  
CLAIM 30193234263-0001) (GET-11(37))

**Background Data:** Please submit a revised resolution replacing "an executive" with "a" in the third WHEREAS clause; replacing "Director of the Department of Environmental Management" with "Director of Environmental Management," in item (3) of the first BE IT RESOLVED clause; and deleting "hereby" in item (1) of the first BE IT RESOLVED clause.

**Work Requested:** ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY

☐ [ ] OTHER:

Requestor's signature  Mike Molina	Contact Person <u>James Forrest, Legislative Attorney</u> (Telephone Extension: <u>7137</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)

☒ [X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): July 15, 2020

REASON: To meet posting deadline for the July 24, 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): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

get:ltr:011(37)acc01:jbf

Attachment

# Resolution

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

## AUTHORIZING SETTLEMENT OF CLAIM NUMBER 30193234263-0001 OF PERLITA CASINO

WHEREAS, PERLITA CASINO filed Claim Number 30193234263-0001 on August 6, 2019, against the County of Maui, claiming damage to her property that occurred on July 17, 2019; and

WHEREAS, the County of Maui and Perlita Casino, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities have reached a proposed resolution of this claim by way of negotiated settlement; 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 negotiated settlement 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:

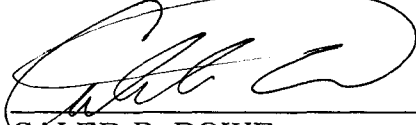
**Resolution No. \_\_\_\_\_**

1. That it hereby approves settlement of Claim Number 30193234263-0001 in the amount of \$76,394.70; and

2. That payment is authorized to satisfy settlement of this claim following the execution of the Release of Property Damage Claim by Perlita Casino; and

3. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Director of the Department of Environmental Management and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:

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

CALEB P. ROWE  
Deputy Corporation Counsel  
County of Maui  
RISK 2019-0196