

REQUEST FOR LEGAL SERVICES

Date: February 22, 2021
From: Mike Molina, Chair
Government Relations, Ethics, and Transparency Committee
TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Gary Murai, Esq.

Subject: AUTHORIZING SETTLEMENT OF AVID AMIRI, INDIVIDUALLY AND AS TRUSTEE OF THE DEUTSCHE INTERNATIONAL TRUST II VS. COUNTY OF MAUI, CIVIL 19-CV-00373 (GREAT-11(39))

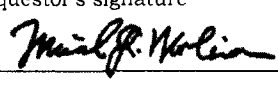
Background Data: Because the name of the GET Committee was changed to the GREAT Committee, please submit a revised resolution replacing the following highlighted text in the third WHEREAS clause and the first BE IT RESOLVED paragraph to reference the Government Relations, Ethics, and Transparency Committee:

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

1. That it approves settlement of AVID AMIRI, INDIVIDUALLY AND AS TRUSTEE OF THE DEUTSCHE INTERNATIONAL TRUST II VS. COUNTY OF MAUI under the terms set forth in an executive meeting before its ~~Governance, Ethics, and Transparency Committee~~;

Also, in the third BE IT RESOLVED paragraph, amend it to read: That it hereby authorizes the Director of Finance to satisfy said settlement of this case, under the terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval;

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

Requestor's signature  Mike Molina	Contact Person James Forrest, Legislative Attorney (Telephone Extension: 7137)
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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): February 24, 2021

FOR CORPORATION COUNSEL'S RESPONSE

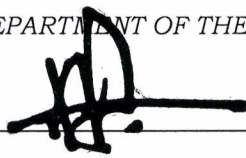
ASSIGNED TO: <u>Brian Bulberry</u>	ASSIGNMENT NO. <u>LIT 6017</u>	BY: <u>MAS</u>
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

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

DEPARTMENT OF THE CORPORATION COUNSEL

Date FEB 23 2021

By 

(Rev. 7/03)

great:ltr:011(39)acc01:jbf

Attachment

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
AVID AMIRI, INDIVIDUALLY AND AS TRUSTEE OF
THE DEUTSCHE INTERNATIONAL TRUST II VS.
COUNTY OF MAUI, CIVIL 19-CV-00373

WHEREAS, Plaintiff Avid Amiri filed a complaint in the United States District Court for the District of Hawai'i on July 11, 2019, Civil 19-CV-00373, against the County of Maui, related to the construction, inspection, maintenance and repair of a culvert and roadway providing access to residential property located at 372 Puu Way, Haiku, 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 Government Relations, 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 or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

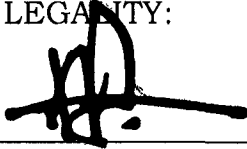
1. That it approves settlement of AVID AMIRI, INDIVIDUALLY AND AS TRUSTEE OF THE DEUTSCHE INTERNATIONAL TRUST II VS. COUNTY OF MAUI under the terms set forth in an executive meeting before its Government Relations, Ethics, and Transparency Committee;

2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under the terms and conditions as may be impose by the Corporation Counsel consistent with the Council's settlement approval;

3. That it hereby authorizes the Director of Finance to satisfy said settlement of this case, under the terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval; and

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

APPROVED AS TO FORM
AND LEGALITY:



BRIAN A. BILBERRY
Deputy Corporation Counsel
County of Maui
Lit 6017