



The County of Maui

Council Chamber
200 South High Street, 8th
Floor
Wailuku, Hawaii 96793

Legislation Text

File #: GET-11(33), Version: 3

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: NORIYOSHI MAKABE AND MASAMI MAKABE, AS CO-CONSERVATORS OF HAYATO MAKABE, AN INCAPACITATED PERSON V. DEPARTMENT OF PARKS AND RECREATION, ET AL.; CIVIL 18-1-0346(1)) GET-11(33)

The Committee is in receipt of correspondence dated August 31, 2020, from the Department of the Corporation Counsel, transmitting a revised proposed resolution, entitled "AUTHORIZING SETTLEMENT OF NORIYOSHI MAKABE AND MASAMI MAKABE, AS CO-CONSERVATORS OF HAYATO MAKABE, AN INCAPACITATED PERSON V. PARKS AND RECREATION DEPARTMENT, ET AL.; CIVIL 18-1-0346(1)," and a copy of the complaints. The purpose of the revised proposed resolution is to authorize settlement of the case. The claim alleges four counts related to negligence, premise liability, emotional distress, and public nuisance, as a result of a large ironwood tree branch which fell and struck Mr. Hayato Makabe on or about October 3, 2017, at Kanaha Beach Park, Kahului, Maui, Hawaii.

The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without further revisions. The Committee may also consider the filing of the correspondence and other related action.

With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.