

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

March 16, 2001

**Committee  
Report No.**

01-47

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on February 13, 2001 and February 27, 2001, makes reference to County Communication No. 99-18, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee notes that County Communication No. 99-18 was referred to the prior Council's Committee of the Whole at the Council meeting of January 11, 1999.

At its meeting of November 14, 2000, the Committee recommended that County Communication No. 99-18 be referred to the Council Chair for the term beginning January 2, 2001, for a recommendation as to referral or other disposition.

At its meeting of January 12, 2001, the Council referred County Communication No. 99-18 to your Committee of the Whole (County Communication No. 01-15).

By letter dated February 6, 2001, Deputy Corporation Counsel Robert D. Rivera requested the opportunity to discuss Stafford "Lani" Caparida vs. Maui County, et al., Civil No. 00-1-0153 (3) in executive session for the purpose of settlement authorization. A copy of the Complaint in the aforementioned case was attached to Mr. Rivera's letter. Also attached to the aforementioned letter was a proposed resolution entitled "AUTHORIZING SETTLEMENT OF THE CLAIM OF STAFFORD "LANI" CAPARIDA VS. MAUI COUNTY, ET AL., CIVIL NO. 00-1-0153 (3) ARISING FROM AN ALLEGED ACCIDENT AT THE KAUNAKAKAI GYM, MOLOKAI, ON JUNE 7, 1999". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim.

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Your Committee notes that the claim alleges that Mr. Caparida sustained an injury to his upper left quadrant when a weight fell on him while lifting weights in the Kaunakakai Gym weight room. Your Committee further notes that Mr. Caparida is requesting general and special damages.

At its meeting of February 13, 2001, your Committee met with the Director of Parks and Recreation, a Deputy Corporation Counsel, and the Corporation Counsel. Your Committee agreed to defer action on this matter pending further discussion.

At its meeting of February 27, 2001, your Committee met with the Director of Parks and Recreation and two Deputy Corporation Counsel.

Your Committee was briefly apprised of the Plaintiff's claims and voted to convene in executive session for the purpose of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes.

Your Committee met in executive session with the Director of Parks and Recreation and two Deputy Corporation Counsel.

Following the executive session, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend approval of a proposed settlement of the claim under the terms proposed in executive session.

Your Committee of the Whole **RECOMMENDS** that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF THE CLAIM OF STAFFORD "LANI" CAPARIDA VS. MAUI COUNTY, ET AL., CIVIL NO. 00-1-0153 (3) ARISING FROM AN ALLEGED ACCIDENT AT THE KAUNAKAKAI GYM, MOLOKAI, ON JUNE 7, 1999" be **ADOPTED**.

Adoption of this report is respectfully requested.

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**DAIN P. KANE** **Chair**

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**PATRICK S. KAWANO** **Member**

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**G. RIKI HOKAMA** **Vice-Chair**

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**MICHAEL J. MOLINA** **Member**

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**ALAN M. ARAKAWA** **Member**

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**WAYNE K. NISHIKI** **Member**

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**ROBERT CARROLL** **Member**

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**CHARMAINE TAVARES** **Member**

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**JO ANNE JOHNSON** **Member**