

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

December 7, 2001

**Committee  
Report No.**

01-236

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 November 13, 2001, makes reference to County Communication No. 01-90, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated October 24, 2001, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Brian Joachim vs. Luther Davis, et al., Civil No. 00-1-0223 (2). Attached to the request was a copy of the first amended complaint and a proposed resolution entitled "APPROVING A PROPOSED SETTLEMENT OF BRIAN JOACHIM VS. LUTHER DAVIS, ET AL., CIVIL NO. 00-1-0223 (2)". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim for \$15,400.

Your Committee notes that the claim alleges damages due to a motor-vehicle and motorcycle accident that occurred on April 19, 2000.

At its meeting, your Committee met with a Civil Engineer from the Department of Public Works and Waste Management and two Deputy Corporation Counsel.

There being no public testimony, the Deputy Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting.

Your Committee voted to convene an executive meeting for the purpose of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

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At its executive meeting, your Committee met with a Civil Engineer from the Department of Public Works and Waste Management and two Deputy Corporation Counsel.

Following the executive meeting, 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 adoption of the proposed resolution to approve the settlement of the matter under the terms proposed in the executive meeting.

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "APPROVING A PROPOSED SETTLEMENT OF BRIAN JOACHIM VS. LUTHER DAVIS, ET AL., CIVIL NO. 00-1-0223 (2)" be ADOPTED.

Adoption of this report is respectfully requested.

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