

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

August 25, 2009

**Committee**  
**Report No. \_\_\_\_\_**

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 August 6, 2009, makes reference to County Communication No. 09-14, from Michael J. Molina, Chair of your Committee, regarding litigation matters submitted by the Department of the Corporation Counsel.

By correspondence dated July 24, 2009, the Department of the Corporation Counsel requested consideration of the possible settlement of Ronald Pirone's Claim No. 2007-083. Attached to the request is a copy of the claim and related documents. Also attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2007-083 OF RONALD PIRONE". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim for \$15,000.

By correspondence dated July 30, 2009, the Department of the Corporation Counsel transmitted a revised proposed resolution clarifying the filing date of the claim and the correct Department to receive a certified copy of the resolution. The Department of the Corporation Counsel subsequently transmitted a further revised proposed resolution correcting the title of the settlement document.

Your Committee notes that the claim alleges bodily injuries related to an incident near the Mokulele Highway and Hansen Road intersection in Kahului, Maui, on September 4, 2007.

A Deputy Corporation Counsel explained that, while driving a County vehicle, an employee of the Department of Environmental Management rear-ended Mr. Pirone's vehicle, resulting in damages to Mr. Pirone's vehicle and causing him physical injuries. She opined that the settlement amount is fair given the factual circumstances of the case.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Kaho'ohalahala, Nishiki, Pontanilla, and Victorino voted "aye". Members Johnson and Medeiros were excused.

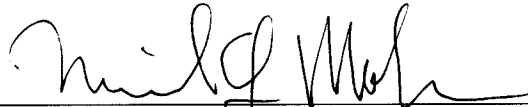
**COUNCIL OF THE COUNTY OF MAUI**  
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August 25, 2009  
Page 2

**Committee**  
**Report No.** \_\_\_\_\_

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2007-083 OF RONALD PIRONE" be ADOPTED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
\_\_\_\_\_  
MICHAEL J. MOLINA, Chair

cow:cr:09001(13)aa:kmh

# Resolution

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

## AUTHORIZING SETTLEMENT OF CLAIM NO. 2007-083 OF RONALD PIRONE

WHEREAS, Ronald Pirone filed Claim No. 2007-083 on March 3, 2008, against the County of Maui for bodily injuries related to an incident at Mokulele Highway and Hansen Road intersection, on September 4, 2007; and

WHEREAS, the County of Maui and Ronald Pirone, 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 a negotiated settlement; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

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

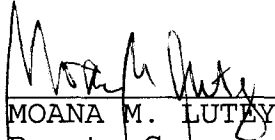
1. That it hereby approves settlement of Claim No. 2007-083 in the amount of FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release and Indemnity Agreement" by Ronald Pirone; and

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

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

APPROVED AS TO FORM  
AND LEGALITY:



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MOANA M. LUTEY  
Deputy Corporation Counsel  
County of Maui

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