

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

September 21, 2010

**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 September 2, 2010, 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 May 14, 2010, the Department of the Corporation Counsel requested consideration of the possible settlement of Dolores Abreu v. Herbert Kinores, Jr., et al., Civil No. 07-1-0216(1). Attached to the request is a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DOLORES ABREU VS. HERBERT KINORES, JR., ET AL., CIVIL NO. 07-1-0216(1)". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes the complaint alleges that on December 20, 2006, Dolores Abreu suffered injuries when her vehicle collided with a garbage truck operated by Herbert Kinores, Jr., a County employee.

The Deputy Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting, closed to the public.

Your Committee voted to convene an executive meeting for the purposes of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS); and to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), HRS.

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 7-0 to recommend adoption of the proposed

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resolution. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Kaho`ohalahala, Medeiros, Nishiki, and Pontanilla voted "aye". Committee members Johnson and Victorino were excused.

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF DOLORES ABREU VS. HERBERT KINORES, JR., ET AL., CIVIL NO. 07-1-0216(1)" be ADOPTED.

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

  
\_\_\_\_\_  
DANNY A. MATEO, Vice-Chair

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# Resolution

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

AUTHORIZING SETTLEMENT OF  
DOLORES ABREU VS. HERBERT KINORES, JR., ET AL.,  
CIVIL NO. 07-1-0216(1)

WHEREAS, Plaintiff Dolores Abreu (hereinafter "Plaintiff") filed a lawsuit in the Second Circuit Court on June 15, 2007, Civil No. 07-1-0216(1), against Herbert Kinores, Jr. and the County of Maui claiming general and special damages as the result of an incident on December 20, 2006; 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 Committee of the Whole; 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,

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

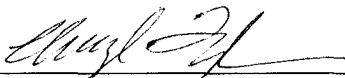
1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Committee of the Whole; and

2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

3. That it hereby authorizes the Director of Finance of the County of Maui to satisfy said settlement of this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

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

APPROVED AS TO FORM  
AND LEGALITY:

  
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CHERYL TIPTON  
Deputy Corporation Counsel  
County of Maui