

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 9, 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 October 14, 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 September 16, 2010, the Department of the Corporation Counsel requested consideration of the possible settlement of Sheri Gail Durham, et al., v. County of Maui, et al., Civil No. CV08-00342 JMS LEK. Attached to the request is a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF SHERI GAIL DURHAM, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. CV08-00342 JMS LEK". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes that the complaint alleges the wrongful deaths of Mark Allen Durham and his daughter, Jessica Haley Durham, and injuries to his other daughter, Marisa Uma Lama Durham. The deaths and injuries resulted from a vehicle collision that occurred on July 26, 2006, at the intersection of Pulehu Road and Hansen Road, Kahului, Maui, Hawaii. The complaint further alleges that the intersection, which is under the jurisdiction, control, and maintenance of the County, was inherently unsafe and dangerous at the time of the collision.

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 to consult with legal counsel 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.

