

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

May 18, 2012

Committee
Report No. _____

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

Chair and Members:

Your Policy Committee, having met on May 8, 2012, makes reference to County Communication 11-30, from Council Chair Danny A. Mateo, regarding litigation matters.

By correspondence dated April 12, 2012, the Department of the Corporation Counsel requested consideration of the possible settlement of Lilia Cardones and Noel Cardones v. County of Maui, et al., Civil 11-1-0293(1). Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LILIA CARDONES AND NOEL CARDONES V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-1-0293(1)", along with a copy of the complaint. The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case under the terms proposed in an executive meeting.

Your Committee notes that the complaint alleges damages resulting from a collision between the Cardones' motor vehicle and the motor vehicle driven by Anthony Krau, a County employee, at the intersection of South Papa Avenue and One Street in Kahului on April 14, 2009.

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

Your Committee voted to convene an executive meeting, closed to the public, 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 under 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 8-0 to recommend adoption of the proposed resolution. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran,

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Couch, Mateo, Victorino, and White voted “aye”. Committee member Pontanilla was excused.

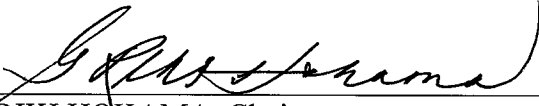
Your Policy Committee RECOMMENDS that Resolution _____, attached hereto, entitled “AUTHORIZING SETTLEMENT OF LILIA CARDONES AND NOEL CARDONES V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-1-0293(1)”, be ADOPTED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



G. RIKI HOKAMA, Chair

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF LILIA CARDONES
AND NOEL CARDONES V. COUNTY OF MAUI, ET AL.,
CIVIL NO. 11-1-0293(1)

WHEREAS, Plaintiffs Lilia Cardones and Noel Cardones filed a lawsuit in the Circuit Court of the Second Circuit of the State of Hawaii on June 1, 2011, Civil No. 11-1-0293(1), against the County of Maui and Anthony A. Krau, claiming general and special damages as a result of a collision between their motor vehicle and the motor vehicle driven by Anthony Krau at the intersection of South Papa Avenue and One Street on April 14, 2009; 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 Policy Committee; 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

Resolution No. _____

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:

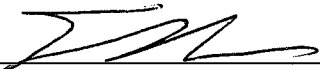
1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Policy Committee; and

2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County and Anthony A. Krau 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, the Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



THOMAS KOLBE
Deputy Corporation Counsel
County of Maui