

COUNCIL OF THE COUNTY OF MAUI

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

March 1, 2013

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

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on February 11, 2013, makes reference to County Communication 13-41, from the Council Chair, regarding litigation matters.

By correspondence dated February 1, 2013, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL, COX FRICKE A LIMITED LIABILITY LAW PARTNERSHIP LLP, IN JACKI JURA V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-00338 SOM RLP", and transmitting a copy of the complaint and other related pleadings in the case. The complaint alleges the plaintiff was the subject of discrimination and unlawful employment practices during her employment as a Deputy Prosecuting Attorney for the County.

The purpose of the proposed resolution is to authorize \$100,000 in additional compensation for the firm of Cox Fricke A Limited Liability Law Partnership LLP ("Cox Fricke") as special counsel to represent Defendant Marie J. Kosegarten, a former County employee, in the case, for a total compensation not to exceed \$200,000.

Your Committee notes that Section 3-6, Revised Charter of the County of Maui (1983), as amended, authorizes the Council to retain or employ, by a vote of two-thirds of its entire membership, special counsel for any special matter presenting a real necessity for such employment.

Your Committee further notes that by Resolution 11-120, the Council authorized the employment of Cox Fricke for a total compensation of \$100,000.

A Deputy Corporation Counsel informed your Committee that the Department is seeking additional compensation not to exceed \$100,000, for a total compensation of \$200,000. According to the Deputy, the United States District Court for the District of

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Hawaii granted the Defendants' Motions for Summary Judgment resolving the case in favor of the Defendants. However, Ms. Jura has filed a Notice of Appeal challenging the District Court's ruling. The Deputy Corporation Counsel explained that Cox Fricke will need the additional compensation to cover the costs associated with the appeal. He asked your Committee to convene an executive meeting to discuss the case further.

Your Committee voted to convene an executive meeting, closed to the public, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session.

Your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White voted "aye".

Your Policy and Intergovernmental Affairs Committee **RECOMMENDS** that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL, COX FRICKE A LIMITED LIABILITY LAW PARTNERSHIP LLP, IN JACKI JURA V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-00338 SOM RLP", 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

pia:cr:13001(9)aa:kmh

# Resolution

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

AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL,  
COX FRICKE A LIMITED LIABILITY LAW PARTNERSHIP LLP, IN JACKI  
JURA V. COUNTY OF MAUI, ET AL., CIVIL NO. 11-00338 SOM RLP

WHEREAS, the Council alone is authorized to retain or employ special counsel by resolution adopted by a two-thirds vote; and

WHEREAS, the Council finds that there is a real necessity to retain the firm of Cox Fricke A Limited Liability Law Partnership LLP ("Cox Fricke"), as special counsel to represent Marie J. Kosegarten in her individual and official capacity in Jacki Jura v. County of Maui, et al., Civil No. 11-00338 SOM RLP, because of a conflict of interest; and

WHEREAS, the Council has by Resolution No. 11-120, authorized the employment of special counsel Cox Fricke for \$100,000.00; and

WHEREAS, the Corporation Counsel has requested authorization to raise the compensation limit for the employment of special counsel by an additional \$100,000.00 for trial preparations, motions, appeal, and, if necessary, trial; now therefore,

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

1. That the Council hereby approves and authorizes the increase of compensation for the employment of special counsel Cox Fricke by \$100,000.00 for a total of up to \$200,000.00; and

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

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

APPROVED AS TO FORM AND LEGALITY:



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RICHARD B. ROST  
Deputy Corporation Counsel  
County of Maui

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