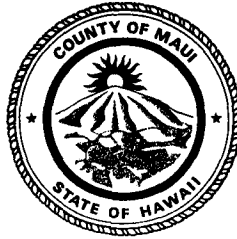


ALAN M. ARAKAWA  
Mayor



PATRICK K. WONG  
Corporation Counsel

EDWARD S. KUSHI  
First Deputy

LYDIA A. TODA  
Risk Management Officer  
Tel. No. (808) 270-7535  
Fax No. (808) 244-2646

DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: CORPCOUN@MAUICOUNTY.GOV  
TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

OFFICE OF THE  
COUNTY COUNCIL

2013 JUL -1 PM 1:41

RECEIVED

July 1, 2013

**T O:** G. Riki Hokama, Chair  
Policy Intergovernmental Affairs Committee

**F R O M:** Jeffrey Ueoka, Deputy Corporation Counsel *JU*

**SUBJECT:** Litigation Matters (PIA-1)  
Claim of James J. Stone, Attorney at Law, on behalf of  
Waiehu Golf Shop, Inc.

Our Department respectfully requests the opportunity to discuss the settlement of the above-referenced claim. There is no urgency in the scheduling of this matter.

It is anticipated that an executive session may be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

Copies of the claim and the proposed resolution are enclosed. Our department would also like to request that a representative of the Department of Parks and Recreation be present at the meeting to answer any questions that may arise.

Thank you for your anticipated assistance.

JU:ek  
Enclosures  
cc: Glenn T. Correa, Director  
of Parks and Recreation  
S:\CLERICAL\EK\MEMO\hokamawaiehugolfcourse.wpd

# Resolution

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

AUTHORIZING SETTLEMENT OF CLAIM NO. 2012-1000-15,  
JAMES J. STONE, ATTORNEY AT LAW,  
ON BEHALF OF WAIEHU GOLF SHOP, INC.

WHEREAS, James J. Stone, Attorney at Law, on behalf of Waiehu Golf Shop, Inc., filed Claim No. 2012-1000-15 on June 6, 2012, against the County of Maui for overcharge of electricity and other related matters while it operated a concession at the Waiehu Golf Course, Maui, Hawaii; and

WHEREAS, the County of Maui and James J. Stone, Attorney at Law, on behalf of Waiehu Golf Shop, Inc., 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, the Department of the Corporation Counsel has requested authority to settle this claim for THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00); 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,

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


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

1. That it hereby approves settlement of Claim No. 2012-1000-15 for THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Mutual Release, Indemnification and Settlement Agreement" by James J. Stone, Attorney at Law, on behalf of Waiehu Golf Shop, Inc.; and

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

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
JEFFREY GEOKA  
Deputy Corporation Counsel  
County of Maui

S:\ALL\JTU\RESOS\waiehu golf.james stone.claim.wpd

**Law Offices of James J. Stone**

*\*A Law Corporation*

*Davies Pacific Center  
841 Bishop Street  
Suite 1711*

*Honolulu, Hawaii 96813*

*Tel: (808) 521-4566, Fax: (808) 521-4252*

*e-mail: [jstone@nulaw.net](mailto:jstone@nulaw.net) or [ldellma@nulaw.net](mailto:ldellma@nulaw.net)*

RECEIVED  
CORPORATION COUNSEL  
2012 JUN -5 AM 8:09

VIA MAIL AND FACSIMILE No.: 808-270-7171 (Maui)

Office of the County Clerk  
County of Maui  
200 S. High Street  
Room 708  
Wailuku, HI 96793

June 5, 2012

Re: Claims Re Electric, etc.

Dear Office of County Clerk and County of Maui:

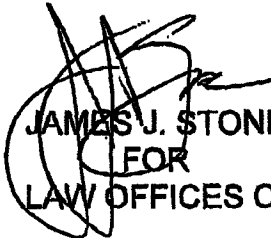
The purpose of this letter is to inform you of claims against the County of Maui and its political subdivisions by my client Waiehu Golf Shop, Inc. The claims relate to my client being unfairly overcharged for electricity and related matters while it operated a concession at the Waiehu Golf Course, Maui, Hawaii.

We have been seeking to resolve this claim with the County and have been discussing matters with Jeff T. Ueoka, Esq. of your Corporation Counsel's office. To facilitate discussions and hopeful amicable resolution of the claim we have been entering into tolling agreements rather than the filing a lawsuit at this time.

If you have any questions regarding this matter, please do not hesitate to contact me. You may also contact Jeff T. Ueoka for details as well.

Your cooperation and understanding is appreciated.

Very truly yours,



JAMES J. STONE  
FOR

LAW OFFICES OF JAMES J. STONE

**Page 2**  
**June 5, 2012**

**JJS:lk**

**cc: Jeff T. Ueoka, Esq. via facsimile no.: 270-7152 (Maui)**  
**Deputy Corporation Counsel**  
**200 South High Street**  
**Wailuku, Maui, HI 96793**