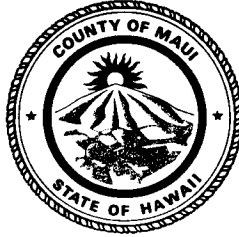


ALAN M. ARAKAWA
Mayor



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, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

2013 AUG -1 PM 3:42
OFFICE OF THE
COUNTY COUNCIL

RECEIVED

July 31, 2013

MEMO TO: G. Riki Hokama, Chair
Policy and Intergovernmental Affairs Committee

F R O M: Moana M. Lutey, Deputy Corporation Counsel *M*

SUBJECT: Litigation Matters (PIA-1)
Claim of Eric Stevenson, Claim No. 2012-1022-21
Date of Loss: 11/1/12

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 Environmental Management be present at the meeting to answer any questions that may arise.

Thank you for your anticipated assistance

MML:ma
Enclosures
cc: Kyle Ginoza, Director of Environmental Management

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO.2012-1022-21
OF LIBERTY MUTUAL FIRE INSURANCE COMPANY
ON BEHALF OF ITS INSURED, ERIC STEVENSON

WHEREAS, Eric Stevenson filed Claim No. 2012-1022-21 on February 8, 2013, against the County of Maui for damages caused to his parked vehicle at Kupuna Street, Kihei, on November 1, 2012, by a County refuse truck; and

WHEREAS, Eric Stevenson is insured for such damage by Liberty Mutual Fire Insurance Company; and

WHEREAS, Liberty Mutual Fire Insurance Company, as subrogee of this claim, has alleged that the County of Maui is liable for the expenses paid by Eric Stevenson and Liberty Mutual Fire Insurance Company; and

WHEREAS, the County of Maui, Eric Stevenson, and Liberty Mutual Fire Insurance Company, 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, 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,

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

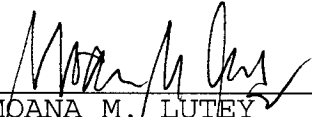
Resolution No. _____

1. That it hereby approves settlement of Claim No. 2012-1022-21 in the amount of EIGHT THOUSAND THREE HUNDRED SEVENTY-ONE AND 82/100 DOLLARS (\$8,371.82); and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release of Claim" by Eric Stevenson and Liberty Mutual Insurance; and

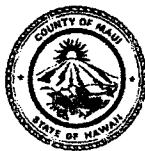
3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Environmental Management, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui

JEFFREY T. KUWADA
County Clerk



LANCE TAGUCHI
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

February 15, 2013

AIMS
900 Fort Street Mall, Suite 1000
Honolulu, Hawaii 96813

Attn: Davina Kunimoto
New Claims Assignment

Dear Ms. Kunimoto:

Respectfully transmitted is a copy of a claim against the County of Maui filed by Lynn Miller, of Liberty Mutual, on behalf of Eric Stevenson, which was received by our office on February 14, 2013.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey T. Kuwada", is written over a circular stamp that is partially obscured.

JEFFREY T. KUWADA
County Clerk

Attachment

cc: Mayor
Corporation Counsel
Council Chair
Department of Finance

/lka

RECEIVED
FEB 20 2013
AIMS

dck

COUNTY OF MAUI

RECEIVED

CLAIM FOR DAMAGE OR INJURY

2013 FEB 14 PM 1:56

PLEASE PRINT CLEARLY

OFFICE OF THE COUNTY CLERK

1. Claimant: Mr. Mrs. Ms. Eric Stevenson

2. Address: _____

3. Telephone No.: Business _____ Residence _____

4. Date of Accident: November 1, 2012

5. Location of Accident: 198 Kupuna St Kinei HI 96753

6. Amount of Claim: Property Damage \$ ~~864~~.82 Personal Injury \$ _____

7. Describe the accident in detail. Indicate all the facts, causes, persons involved, witnesses, extent of damage, etc., and why you think the County is responsible. You may write on the back if needed.

Sanitation truck hit Liberty Mutual Insured Eric Stevenson's parked vehicle. The driver of the sanitation truck was Williams Perreira.

* Please see attached police report for more information *

8. If you carry insurance applicable to this claim, please provide the name and address of the insurance company and your policy number.

Liberty Mutual Fire Insurance Company
5050 W Tilghman St Ste 200
Hawthorn HI 18004
Claim Policy No. 025301973-01

A. Did you file a claim with your insurance company? Yes

If yes, amount claimed \$ 8371.82 + Deductible \$8021.82 Deductible amount \$ 250.00

B. If a claim was filed with your insurance company, what action do they intend to take?

Subrogate against at fault party's insurance

I HEREBY DECLARE THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.



(Signature of Claimant)

2/8/13

(Date)

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FEB 20 2013

2013

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Report Number: 12-050348

Narrative

ASSIGNMENT/ARRIVAL:

On 11/01/12 at 0703 hours, I was assigned to 198 Kupuna Street for a Motor Vehicle Accident type case. Dispatch related that a County Refuse Truck had hit a parked car.

I arrived at about 0710 hours and met with the driver of the Refuse Truck.

INTERVIEW WITH DRIVER OF UNIT 1: /M/CAU/CIT

I interviewed on 11/01/12/ at about 0711 hours fronting 198 Kupuna Street. He related that as he was driving County refuse truck (CofM2438) and was attempting to execute a right hand turn onto Kupuna Street from Mahina Street and it was very difficult due to the number of cars parked on Kupuna Street.

related that he had to make a wide turn then cut it close to the north shoulder of Kupuna to avoid hitting the parked cars. stated that he thought he had made the turn but he may have accidentally hit or bumped the button to activate the garbage can arm. The arm caught the running board and under side of the parked blue Dodge (MMK658).

stopped and parked his refuse truck and contacted Police to report the incident. He also went to the residence of the owner, Eric STEVENSON, to inform him of the accident. stated that he was not injured from the accident.

INTERVIEW WITH OWNER OF UNIT 2: Eric STEVENSON A/M/CAU/CIT

I interviewed STEVENSON on 11/1/12 at about 0715 hours. He related that he had left his truck bearing Hawaii license plates MMK658 parked on the shoulder of Kupuna Street fronting 198 on 10/31/12. He was awoken by the driver of the refuse truck this morning 11/1/12, who had informed him that he had hit the blue Dodge.

STEVENSON pointed out the damages on his truck that were not there before. There was damage to the running board and the lower driver's side of the truck.

Nothing more to add.

INJURIES REPORTED/OBSERVED:

There were no injuries reported or observed.

INVESTIGATION:

On 11/01/12 at about 0640 hours, was attempting to execute a right hand turn on Kupuna Street form Mahina Street. Due to the number of vehilces parked on the street it was a tight turn for his large refuse truck. He collided into a parked Dodge truck (MMK658) on Kupuna Street with the garbage picker arm. The owner of the Dodge, STEVENSON, was notified of the damages to his vehilce. There were no injuries reported and damages are estimated to be under \$3,000.00.

DISPOSITION:

Officer's Rank and Name	Officer's ID Number	Date/Time	Supervisor's Rank and Name	Supervisor's ID Number	Date/Time
PO2 STICE, BRIANNA M	15171	11/3/12 08:13	SGTD6 DUCHANE, ROGER A	297	11/3/12 08:13



Liberty Mutual Group
5050 West Tilghman Street, Ste 200
Allentown, PA 18104
Tel: (800) 521-0986
Fax: (603) 334-0372

ATTN: Office of the County Clerk
County of Maui
~~Fax:~~ 200 South High Street Room 708
~~Email:~~ Wailuku HI 96793

Date: February 8, 2013

Our Claim Number: 025301973-0001

Our Insured: Eric Stevenson
Date of Loss: November 1, 2012

Your Claim
Number:
Your Insured:

Department of Environmental Management

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2013 FEB 14 PM 1:56
OFFICE OF THE
COUNTY CLERK

NOTE: PLEASE SCROLL ALL THE WAY DOWN TO VIEW ENCLOSED PROOFS.

Based on our investigation of this accident/loss, we believe your Insured to be responsible for our Insured's damage.

Please see the enclosed Subrogation Demand in the amount of \$ 8621.82

If liability is pending, please provide the status of your investigation and the timeframe in which you anticipate your investigation will be completed.

Payment should be sent to Liberty Mutual Insurance
5050 West Tilghman St, Suite 200, Allentown, PA 18104-9915


Property Damages: \$ 8371.82
Deductible: \$ 250.00
Rental: \$

Total Amount Due: \$ 8,621.82

Insured's Out of Pocket (if known) \$ rental

Please include our claim number on your check for the total amount of damages above and send your payment to my attention. Please deal directly with our insured to discuss any out of pocket expenses they may have incurred. Payment of out of pocket expenses should be made directly to our insured.

If you have any questions, please contact me at the telephone number above on extension 73544
When communicating by email, please be sure to include our claim number in the subject line.


Thank you,
Lynn Miller, 
Recovery Team
Subrogation Department
Lynn.Miller@libertymutual.com

RECEIVED
FEB 20 2013
AMM

Enclosures

SUB127A

dck

Claimant	ERIC STEVENSON	 Liberty Mutual INSURANCE
Insured	ERIC STEVENSON	
Claim	025301973	
Date of Loss	11/01/2012	

FEB 20 2013
 11:13

Reserve (1) 1st Party Vehicle - ERIC STEVENSON - Collision - Non-Medical Loss

Payee	Check #	Issued Date	Amount Paid
ERIC STEVENSON	31001584	01/22/2013	\$8,371.82
Total			\$8,371.82

Grand Total \$8,371.82

