

**COUNCIL OF THE COUNTY OF MAUI**  
**COMMITTEE OF THE WHOLE**

August 25, 2015

**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 August 4, 2015, makes reference to County Communication 15-6, from Councilmember Mike White, relating to litigation matters.

By correspondence dated June 19, 2015, the Department of the Corporation Counsel requested consideration of the possible settlement of Kyoko Armstrong-Nishioka v. County of Maui, Disability Compensation Division Case 7-11-01318. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF KYOKO ARMSTRONG-NISHIOKA V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-01318." The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes Section 3.16.020(A), Maui County Code, requires Council authorization for any settlement of a workers' compensation claim in excess of the authority granted by that provision.

The Department of the Corporation Counsel transmitted a revised proposed resolution incorporating nonsubstantive revisions.

A Deputy Corporation Counsel provided a brief overview of the case. He noted Kyoko Armstrong-Nishioka was a nutritional program assistant with the Department of Housing and Human Concerns in July 2011, when the alleged incident occurred. According to the Deputy, she was preparing food for delivery when she was hit on the side of her head by a falling cooler, sustaining injuries as a result.

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Because the case involves ongoing litigation and confidential medical information, the Deputy requested the opportunity to convene an executive meeting.

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; 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), Hawaii Revised Statutes.

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 6-0 to recommend adoption of the revised proposed resolution to authorize the settlement of the matter under the terms proposed in the executive meeting. Committee Chair Guzman, Vice-Chair Crivello, and members Carroll, Cochran, Couch, and White voted "aye." Committee members Baisa, Hokama, and Victorino were excused.

Your Committee of the Whole RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF KYOKO ARMSTRONG-NISHIOKA V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-01318," be ADOPTED.

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

  
\_\_\_\_\_  
DON S. GUZMAN, Chair

# Resolution

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

AUTHORIZING SETTLEMENT OF  
KYOKO ARMSTRONG-NISHIOKA V. COUNTY OF MAUI,  
DISABILITY COMPENSATION DIVISION CASE NO. 7-11-01318

WHEREAS, Claimant Kyoko Armstrong-Nishioka filed a Workers' Compensation Claim alleging work-related injuries sustained on July 13, 2011; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of the proposed settlement by the Department of the Corporation Counsel, the Council wishes to authorize the settlement of the Worker's Compensation Claim under the terms and conditions proposed in an executive meeting before the Committee of the Whole; now therefore,

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

1. That it hereby approves settlement of Kyoko Armstrong-Nishioka v. County of Maui, Disability Compensation Division Case No. 7-11-01318, under the terms set forth in an executive meeting before the Committee of the Whole; and

2. That it hereby authorizes the Mayor to execute a Stipulation and Settlement Agreement on behalf of the County in this case; and

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

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 payment is authorized to satisfy this settlement following approval of the Stipulation and Settlement Agreement by the Department of Labor and Industrial Relations, State of Hawaii; and

5. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Director of Housing and Human Concerns, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:



CALEB P. ROWE  
Deputy Corporation Counsel  
County of Maui