

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 18, 2016

**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 March 4, 2016, makes reference to County Communication 15-6, from Councilmember Mike White, relating to litigation matters.

By correspondence dated January 22, 2016, the Department of the Corporation Counsel requested consideration of a proposed resolution, entitled "INDEMNIFYING MYRNA SABAS-RYDER, ANSELM YAZAKI, AND ALY MIYASHIRO IN JASON GRIEGO AND JAMES SANCHEZ V. COUNTY OF MAUI, ET AL., CIVIL NO. 15-00122 SOM BMK," and transmitted a copy of the First Amended Complaint in the case.

The purpose of the proposed resolution is to indemnify Myrna Sabas-Ryder, Anselm Yazaki, and Aly Miyashiro, employees of the Department of Police, in the case.

Your Committee notes the complaint alleges Plaintiffs Jason Griego and James Sanchez were on Maui under private contract to provide personal security services for New Mexico businessman David Maniatis, and were at all relevant times "qualified law enforcement officers" permitted to carry concealed firearms. The complaint further alleges on or about July 14, 2013, Plaintiffs were unreasonably seized and detained, and physically and mentally assaulted, and their private hotel rooms were unreasonably searched and their property seized from them.

The complaint further alleges the Plaintiffs suffered violations of their rights under the Fourth, Fifth, Eighth, Ninth, and Fourteenth Amendments to the United States Constitution, and Article I of the Constitution of the State of Hawaii, as a result of actions by Myrna Sabas-Ryder, Anselm Yazaki, and Aly Miyashiro. Plaintiffs seek general, special, and punitive damages, and reimbursement of costs and attorneys' fees.

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Your Committee further notes the Police Commission reviewed the matter pursuant to Section 52D-8, Hawaii Revised Statutes, and determined these employees are entitled to legal representation.

A Deputy Corporation Counsel provided a brief overview of the case. She advised your Committee the Department had reviewed the documents and other discovery to date and, on that basis, had determined the employees were acting in the course and scope of employment and in good faith. The Department, therefore, recommended the employees be indemnified.

Based on the information received and the recommendation of the Department, your Committee voted 8-0 to recommend adoption of the proposed resolution. Committee Chair Guzman, Vice-Chair Crivello, and members Baisa, Carroll, Cochran, Couch, Hokama, and Victorino voted "aye." Committee member White was excused.

Your Committee of the Whole RECOMMENDS that Resolution _____, attached hereto, entitled "INDEMNIFYING MYRNA SABAS-RYDER, ANSELM YAZAKI, AND ALY MIYASHIRO IN JASON GRIEGO AND JAMES SANCHEZ V. COUNTY OF MAUI, ET AL., CIVIL NO. 15-00122 SOM BMK," be ADOPTED.

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



DON S. GUZMAN, Chair

cow:cr:16001(31)aa:cmn

Resolution

No. _____

INDEMNIFYING MYRNA SABAS-RYDER, ANSELM YAZAKI, AND ALY MIYASHIRO IN JASON GRIEGO AND JAMES SANCHEZ V. COUNTY OF MAUI, ET AL., CIVIL NO. 15-00122 SOM BMK

WHEREAS, Myrna Sabas-Ryder, Anselm Yazaki, and Aly Miyashiro (“Defendants”), who were employees of the Department of Police on July 14, 2013, have been named as defendants in their individual capacities in the case of Jason Griego and James Sanchez v. County of Maui, et al., Civil No. 15-00122 SOM BMK; and

WHEREAS, Plaintiffs James Griego and James Sanchez allege that Defendants violated their rights under the Fourth, Fifth, Eighth, Ninth, and Fourteenth Amendments to the United States Constitution as well as Article I of the Constitution of the State of Hawaii and that they suffered damages and injuries as a result of the alleged violations on July 14, 2013; and

WHEREAS, the Police Commission has reviewed this matter under its statutory authority and determined that the Defendants are entitled to legal representation; and

WHEREAS, based upon an investigation into this matter, the Department of the Corporation Counsel believes there to be a good faith basis for indemnification and has recommended that the Council indemnify the

Resolution No. _____

Defendants for any damages that may be assessed against them in this case;
and

WHEREAS, Plaintiffs seek general, special, and punitive damages,
as well as interest and costs of suit; and

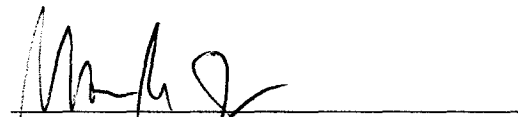
WHEREAS, based upon the recommendation of the Department of
the Corporation Counsel, it appears at this time that it would be in the best
interest of the County of Maui to indemnify Defendants in this case; now,
therefore,

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

1. That Myrna Sabas-Ryder, Anselm Yazaki, and Aly Miyashiro
are indemnified by the County of Maui for any damages that may be assessed
against them in this case; and

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

APPROVED AS TO FORM AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui