

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

December 21, 2007

**Committee
Report No.**

07-159

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

Chair and Members:

Your Policy Committee, having met on December 4, 2007, makes reference to County Communication No. 07-11, from the Council Chair, regarding the settlement of claims and lawsuits.

By correspondence dated October 25, 2007, the Department of the Corporation Counsel requested consideration of the possible settlement of Rosa Rodriguez Martinez and Salomon Baltazar Alonso v. Aaron Won, County of Maui, et al., Civil No. CV 06-1-0247(3). Attached to the request is a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ROSA RODRIGUEZ MARTINEZ AND SALOMON BALTAZAR ALONSO VS. AARON WON, COUNTY OF MAUI, ET AL., CIVIL NO. CV 06-1-0247(3)". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$25,000.

By correspondence dated November 27, 2007, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING SETTLEMENT OF ROSA RODRIGUEZ MARTINEZ AND SALOMON BALTAZAR ALONSO VS. AARON WON, COUNTY OF MAUI, ET AL., CIVIL NO. CV 06-00409 HG LEK". The revised resolution corrects the civil number in the title of the resolution and makes other non-substantive revisions.

Your Committee notes that the complaint alleges general and special damages arising from the arrest of Rosa Rodriguez-Martinez on or about July 28, 2004 in Lahaina, Maui.

At its meeting, your Committee met with the Deputy Chief of Police and a Deputy Corporation Counsel.

There was no public testimony.

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The Deputy Corporation Counsel provided a brief overview of the case. She explained that Aaron Won was convicted in criminal proceedings for his actions during the arrest of Rosa Rodriguez Martinez in connection with a traffic violation, and sentenced to five years in jail.

Your Committee noted that Mr. Won was an employee with the Department of Police for two years before the Department terminated his employment. The Deputy Corporation Counsel confirmed that the County will be seeking reimbursement from Mr. Won for the \$25,000 to settle the case.

Your Committee voted to recommend adoption of the proposed resolution.


Your Policy Committee RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF ROSA RODRIGUEZ MARTINEZ AND SALOMON BALTAZAR ALONSO VS. AARON WON, COUNTY OF MAUI, ET AL., CIVIL NO. CV 06-00409 HG LEK" be ADOPTED.

Adoption of this report is respectfully requested.

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF
ROSA RODRIGUEZ MARTINEZ AND SALOMON BALTAZAR
ALONSO VS. AARON WON, COUNTY OF MAUI, ET AL.,
CIVIL NO. CV 06-1-0247(3)

WHEREAS, Plaintiffs Rosa Rodriguez-Martinez and Salomon Baltazar Alonso, (hereinafter "Plaintiffs") filed a lawsuit in the Circuit Court of the Second Circuit on July 13, 2006, Civ. No. 06-1-0247 (3) against the County of Maui, claiming general and special damages arising from the arrest of Rosa Rodriguez-Martinez on or about July 28, 2004 in Lahaina, Maui, Hawaii; and

WHEREAS, the County of Maui removed this case to the U.S. District for the District of Hawaii on July 27, 2006, Civil No. CV06-00409 HG LEK; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this case by way of a negotiated settlement; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this litigation for TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement by the Department of the Corporation Counsel; now, therefore,

Resolution No. _____


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

1. That it hereby authorizes the Department of the Corporation Counsel to negotiate settlement in this case in the total amount of TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00); and

2. That it hereby authorizes the Director of Finance of the County of Maui to satisfy said settlement of this case in Civil No. CV06-00409 HG LEK, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

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

APPROVED AS TO FORM
AND LEGALITY:



MOANA M. LUTEY
Deputy Corporation Counsel
County of Maui

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