

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

February 21, 2003

Committee
Report No. 03-17

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 February 5, 2003, makes reference to County Communication No. 03-19, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated January 15, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Apolinar Rosal, et al. v. County of Maui, et al., Civil No. 02-1-0172 (3). Attached to the request was a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF APOLINAR ROSAL, INDIVIDUALLY AND AS GUARDIAN AD LITEM FOR JOYCE ROSAL, A MINOR, AND GLORIA ROSAL v. COUNTY OF MAUI, ET AL., CIVIL NO. 02-1-0172 (3)". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$16,500.

Your Committee notes that the complaint alleges personal injury to Joyce Rosal, while she was participating in a field trip at the Kahului Fire Station with her fifth-grade class, and loss of consortium by her parents.

At its meeting, your Committee met with the Deputy Fire Chief and three Deputy Corporation Counsel.

There being no public testimony, a Deputy Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting.

Your Committee voted to convene an executive meeting for the purpose of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

At its executive meeting, your Committee met with the Deputy Fire Chief and two Deputy Corporation Counsel.

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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 to recommend adoption of the proposed resolution to approve the settlement of the matter under the terms proposed in the executive meeting.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF APOLINAR ROSAL, INDIVIDUALLY AND AS GUARDIAN AD LITEM FOR JOYCE ROSAL, A MINOR, AND GLORIA ROSAL v. COUNTY OF MAUI, ET AL., CIVIL NO. 02-1-0172 (3)" be ADOPTED.

Adoption of this report is respectfully requested.

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