

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

April 4, 2003

**Committee**  
**Report No.** 03-33

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 20, 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 March 3, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Dana Henderson v. Fernando Pagador, et al., Civil No. 01-1-0632 (3). Attached to the request was a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DANA HENDERSON v. FERNANDO PAGADOR, ET AL., CIVIL NO. 01-1-0632 (3)". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes that the complaint alleges damages arising from a fall, which occurred on October 10, 2000, at 308 Kinaole Circle in Kihei.

At its meeting, your Committee met with the Director of Public Works and Environmental Management, the Public Works Construction and Maintenance Superintendent from the Department of Public Works and Environmental Management, the First Deputy Corporation Counsel, and two 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.

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At its executive meeting, your Committee met with the Director of Public Works and Environmental Management, the Public Works Construction and Maintenance Superintendent from the Department of Public Works and Environmental Management, the First Deputy Corporation Counsel, and a Deputy Corporation Counsel.

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 DANA HENDERSON v. FERNANDO PAGADOR, ET AL., CIVIL NO. 01-1-0632 (3)" be ADOPTED.

Adoption of this report is respectfully requested.

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**MICHAEL J. MOLINA** **Member**

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**DAIN P. KANE** **Vice-Chair**

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**WAYNE K. NISHIKI** **Member**

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**G. RIKI HOKAMA** **Member**

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**JOSEPH PONTANILLA** **Member**

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**JO ANNE JOHNSON** **Member**

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**CHARMAINE TAVARES** **Member**

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**DANNY A. MATEO** **Member**