

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

October 17, 2003

Committee
Report No. 03-127

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 October 1, 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 June 2, 2003, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Robert J. Fernandez v. County of Maui, Case Nos. 7-72-01172 and 7-73-01468. Attached to the request is a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ROBERT J. FERNANDEZ VS. COUNTY OF MAUI, CASE NOS. 7-72-01172 AND 7-73-01468". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the cases.

Your Committee notes that the claims allege work-related injuries sustained on May 4, 1972 and November 25, 1972 by Robert J. Fernandez.

At its meeting, your Committee met with the First Deputy Corporation Counsel and a Deputy Corporation Counsel.

There being no public testimony, the Deputy Corporation Counsel provided a brief overview of the case, informing your Committee that the injuries allegedly sustained on May 4, 1972 occurred while the claimant was lifting furniture. Your Committee noted that 31 years had passed since the injuries were allegedly sustained. The Deputy Corporation Counsel 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.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

October 17, 2003
Page 2

Committee
Report No. 03-127

At its executive meeting, your Committee met with 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 authorize 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 ROBERT J. FERNANDEZ VS. COUNTY OF MAUI, CASE NOS. 7-72-01172 AND 7-73-01468" be ADOPTED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

October 17, 2003
Page 3

Committee
Report No. 03-127

ROBERT CARROLL Chair

MICHAEL J. MOLINA Member

DAIN P. KANE Vice-Chair

WAYNE K. NISHIKI Member

G. RIKI HOKAMA Member

JOSEPH PONTANILLA Member

JO ANNE JOHNSON Member

CHARMAINE TAVARES Member

DANNY A. MATEO Member