

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

September 19, 2003

Committee  
Report No.

03-99

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 September 3, 2003, makes reference to County Communication No. 03-20, from the Council Chair, regarding proposed contracts for special counsel and/or indemnification.

Your Committee is in receipt of correspondence dated August 25, 2003, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING DANA WINGAD IN CIVIL CASE NO. 03-1-0308 (3), TIMOTHY GILBERT v. DANA WINGAD". The purpose of the proposed resolution is to indemnify former Maui County police officer Dana Wingad in Gilbert v. Wingad, Civil No. 03-1-0308 (3), Circuit Court of the Second Circuit, State of Hawaii.

Your Committee notes that this case involves allegations of negligent battery, assault and battery, emotional distress and civil rights violations arising from an incident at Hapa's in Kihei on January 20, 2002.

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 filed against the former Maui County police officer. The Deputy Corporation Counsel informed your Committee that the alleged incident occurred while Officer Wingad was employed and on duty. The plaintiff alleges that the officer, in response to a call, pushed the plaintiff, causing him to fall and allegedly sustain a wrist fracture.

The Deputy Corporation Counsel further informed your Committee that a separate suit involving the incident had been filed against the County, and that the two cases have been consolidated by the Court.

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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.

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "INDEMNIFYING DANA WINGAD IN CIVIL CASE NO. 03-1-0308 (3), TIMOTHY GILBERT v. DANA WINGAD" be ADOPTED.

Adoption of this report is respectfully requested.

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