

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 11, 2005

**Committee
Report No.**

05-22

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 1, 2005, makes reference to County Communication No. 05-24, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated February 22, 2005, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Timothy Gilbert v. County of Maui, et al., and Timothy Gilbert v. Dana Wingad, et al., Civil No. 03-00489 HG BMK. Attached to the request is a copy of the first amended complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF TIMOTHY GILBERT VS. COUNTY OF MAUI, ET AL., AND TIMOTHY GILBERT VS. DANA WINGAD, ET AL., CIVIL NO. 03-00489 HG BMK". 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 due to civil rights violations, assault and battery, and negligent infliction of emotional distress.

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

There was 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. The Department of the Corporation Counsel noted that the civil rights claim has been dismissed.

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 Chief of Police, the Corporation Counsel, and two 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 TIMOTHY GILBERT VS. COUNTY OF MAUI, ET AL., AND TIMOTHY GILBERT VS. DANA WINGAD, ET AL., CIVIL NO 03-00489 HG BMK" be ADOPTED.

Adoption of this report is respectfully requested.

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