

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

September 2, 2005

**Committee**  
**Report No.**

05-124

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 August 16, 2005, makes reference to County Communication No. 05-25, from the Council Chair, regarding proposed contracts for special counsel.

Your Committee is in receipt of correspondence dated August 3, 2005, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL AYABE CHONG NISHIMOTO SIA & NAKAMURA, IN COUNTY OF MAUI VS. MOUNTAIN RIDERS INC., ET AL, CIVIL NO. 05-1-0170 (1)". The purpose of the proposed resolution is to authorize the employment of Ayabe Chong Nishimoto Sia & Nakamura as special counsel in the referenced lawsuit for a total compensation of \$5,000.

Your Committee notes that this case includes allegations of breach of contract and bad faith.

At its meeting, your Committee met with the Chief of Litigation from the Department of the Corporation Counsel.

There was no public testimony. The 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 Chief of Litigation from the Department of the 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.

Your Committee of the Whole RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL AYABE CHONG NISHIMOTO SIA & NAKAMURA, IN COUNTY OF MAUI VS. MOUNTAIN RIDERS INC., ET AL, CIVIL NO. 05-1-0170 (1)" be ADOPTED.

Adoption of this report is respectfully requested.

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