

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 4, 2005

**Committee
Report No.**

05-149

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 18, 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 September 28, 2005, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Jymme Gabriel v. Kekuhaupio Akana, et al., Civil No. 04-1-0219(3). Attached to the request is a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JYMME GABRIEL VS. KEKUHAUPIO AKANA, ET AL., CIVIL NO. 04-1-0219(3)". The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case for \$10,000.

Your Committee notes that the complaint alleges damages resulting from a motor vehicle accident on May 23, 2002, on Kaahumanu Avenue in Kahului, Maui.

At its meeting, your Committee met with an Assistant Chief of Police and a Deputy Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel provided a brief overview of the case. She explained that the settlement amount was the actual amount agreed to by both parties subject to Council approval. The amount does not represent a range or maximum amount that the case could be settled for.

Your Committee questioned whether a settlement in the case would represent an admittance of guilt. The Deputy Corporation Counsel stated that a settlement would not be viewed as an admittance of or agreement to liability, but would merely serve as a settlement for a contested action.

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 case for \$10,000.

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Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF JYMME GABRIEL VS. KEKUHAUPIO AKANA, ET AL., CIVIL NO. 04-1-0219(3)" be ADOPTED.

Adoption of this report is respectfully requested.

cow:cr:0501(27)aa:rkk/ske

