



RESOLUTION

TO REQUEST THE SERVICES OF AYABE CHONG NISHIMOTO SIA & NAKAMURA AS SPECIAL COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO REPRESENT DEFENDANT CITY AND COUNTY OF HONOLULU IN A LEGAL ACTION ENTITLED: SERGEANT SHERMON DEAN DOWKIN, ET AL. V. THE CITY AND COUNTY OF HONOLULU, ET. AL., CIVIL NO. CV 10-00087 SOM-RLP.

WHEREAS, THE CITY AND COUNTY OF HONOLULU is named as a defendant in a civil action entitled Sergeant Shermon Dean Dowkin, et al. v. City and County of Honolulu, et al., Civil No. CV 10-00087 SOM-RLP, filed in the United States District Court, District of Hawaii; and

WHEREAS, the Department of the Corporation Counsel had been defending the City and County of Honolulu and all named Defendants in the above-mentioned case; and

WHEREAS, based upon information learned in preparation of the defense of this lawsuit, the Department of the Corporation Counsel filed a Motion to Withdraw as Counsel for all defendants. The Court granted the motion upon one of the conditions that notices of appearances of replacement counsel be filed with the Court; and

WHEREAS, Section 5-204.3 of the Revised Charter of the City and County of Honolulu ("RCH") provides that where the Corporation Counsel has been disqualified, special counsel may be retained by any officer or employee in matters relating to the official powers and duties of such officer or employee; and

WHEREAS, based upon the foregoing, it is necessary to retain special counsel to represent and defend the interests of THE CITY AND COUNTY OF HONOLULU in the lawsuit; and

WHEREAS, the law firm of Ayabe Chong Nishimoto Sia & Nakamura possesses the specialized legal knowledge and expertise to defend THE CITY AND COUNTY OF HONOLULU as Special Counsel in this lawsuit; now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that:

1. Pursuant to Section 5-204.3 of the Revised Charter of the City and County of Honolulu 1973, (2000 Edition, Supp. 2003), it authorizes the retention of the law firm of Ayabe Chong Nishimoto Sia & Nakamura as Special Counsel to represent THE CITY AND COUNTY OF HONOLULU in defense of the above-referenced matter;



RESOLUTION

2. The City and County of Honolulu shall pay Special Counsel at the rate of \$175.00 per hour for partners, \$140.00 per hour for associates, and \$85.00 per hour for paralegals for preparation, research, and representation in, together with reasonable costs incurred in connection with its services;

3. The total sum to be expended to pay Special Counsel shall be \$75,000.00, but this amount may be increased by the Council if it is satisfied with the justification made upon the recommendation of the Corporation Counsel for an increase in the stated maximum amount;

4. Special Counsel may be paid monthly for its services, provided that it submits to the Department of the Corporation Counsel an itemized monthly statement reflecting the specific services rendered, together with the total number of hours billed for the specific services at one-tenth of an hour, and the Department of the Corporation Counsel reviews and approves the statements before any payments may be made by the City; and

5. The Director of Budget and Fiscal Services is authorized to execute a contract with the law firm of Ayabe Chong Nishimoto Sia & Nakamura for the legal representation of THE CITY AND COUNTY OF HONOLULU in the above-referenced matter;

and



RESOLUTION

BE IT FINALLY RESOLVED by the Council that the Clerk be and is hereby directed to transmit copies of this Resolution to the Department of the Corporation Counsel and the law firm of Ayabe Chong Nishimoto Sia & Nakamura, 1003 Bishop Street, Suite 2500, Honolulu, Hawai'i 96813.

INTRODUCED BY:

Breene Hanaka (BR)

Councilmembers

DATE OF INTRODUCTION:

NOV 29 2012
Honolulu, Hawaii

NOV 29 2012
CITY CLERK

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 12-327

Introduced: 11/29/12 By: BREENE HARIMOTO (BR)

Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

Title: RESOLUTION TO REQUEST THE SERVICES OF AYABE CHONG NISHIMOTO SIA & NAKAMURA AS SPECIAL COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO REPRESENT DEFENDANT CITY AND COUNTY OF HONOLULU IN A LEGAL ACTION ENTITLED: SERGEANT SHERMON DEAN DOWKIN, ET AL. V. THE CITY AND COUNTY OF HONOLULU, ET. AL., CIVIL NO. CV 10-00087 SOM-RLP.

Links: [RES12-327](#)
[CR-391](#)

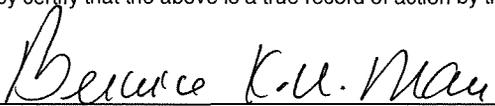
Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

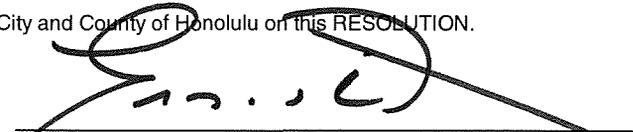
EXECUTIVE 11/27/12 CR-391 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
MATTERS AND
LEGAL AFFAIRS
(EXECUTIVE
SESSION)

COUNCIL 12/05/12 CR-391 AND RESOLUTION 12-327 WERE ADOPTED.

ANDERSON	Y	BERG	Y	CHANG	Y	FUKUNAGA	Y	GARCIA	Y
HARIMOTO	Y	KOBAYASHI	Y	MANAHAN	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER