



## RESOLUTION

TO REQUEST THE SERVICES OF FUKUNAGA MATAYOSHI HERSHEY & CHING AS SPECIAL COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO REPRESENT DEFENDANT WILLIAM AXT 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 Department of the Corporation Counsel had been defending the City and County of Honolulu and all named Defendants in the above-mentioned lawsuit including Defendant WILLIAM AXT; 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, the lawsuit alleges that said officers committed certain wrongful acts within the course and scope of their employment with the Honolulu Police Department, City and County of Honolulu, and the Honolulu Police Commission has approved representation upon such a finding; and

WHEREAS, based upon the foregoing, it is necessary to retain special counsel to represent and defend the interests of Defendant WILLIAM AXT in the lawsuit; and

WHEREAS, the law firm of Fukunaga Matayoshi Hershey & Ching possesses the specialized legal knowledge and expertise to defend WILLIAM AXT 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 Fukunaga Matayoshi Hershey & Ching as Special Counsel to represent WILLIAM AXT in defense of the above-referenced matter;



## RESOLUTION

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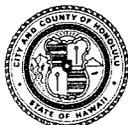
2. The City and County of Honolulu shall pay Special Counsel at the rate of \$175.00 per hour for partners, \$140.00 per hour for associates, and \$85.00 per hour for paralegals for preparation, research, and representation in, together with reasonable costs incurred in connection with its services;

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 Fukunaga Matayoshi Hershey & Ching for the legal representation of Defendant WILLIAM AXT 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, Fukunaga Matayoshi Hershey & Ching, 841 Bishop Street, Suite 1200, Honolulu, Hawai'i 96813.

INTRODUCED BY:

Breene Hanaka (BR)

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DATE OF INTRODUCTION:

NOV 29 2012  
Honolulu, Hawaii

Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 12-330**

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

Committee: EXECUTIVE MATTERS  
AND LEGAL AFFAIRS

Title: RESOLUTION TO REQUEST THE SERVICES OF FUKUNAGA MATAYOSHI HERSHEY & CHING AS SPECIAL COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO REPRESENT DEFENDANT WILLIAM AXT 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: [RES12-330](#)  
[CR-394](#)

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

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EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION)      11/27/12      CR-394 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.

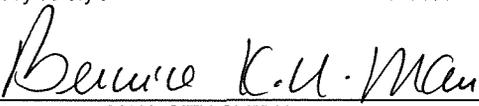
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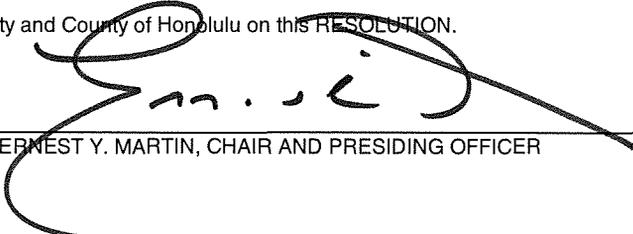
COUNCIL      12/05/12      CR-394 AND RESOLUTION 12-330 WERE ADOPTED.

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

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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