



RESOLUTION

TO REQUEST ADDITIONAL FUNDS FOR THE SERVICES OF AYABE CHONG NISHIMOTO SIA & NAKAMURA AS SPECIAL COUNSEL TO REPRESENT DEFENDANT THE CITY AND COUNTY OF HONOLULU IN A LEGAL ACTION ENTITLED: OFFICER CASSANDRA BENNETT- BAGORIO, ET AL. V. THE CITY AND COUNTY OF HONOLULU, ET AL., CIVIL NO. CV 13-00071 KSC

WHEREAS, by way of Resolution No. 13-64, the Council of the City and County of Honolulu ("Council") approved of the retention of the law firm of AYABE CHONG NISHIMOTO SIA & NAKAMURA ("Special Counsel"), to represent and defend the interests of The City and County of Honolulu, named as a Defendants in the civil action entitled Officer Cassandra Bennett-Bagorio, et al. v. The City and County of Honolulu, et. al., Civil No. CV 13-00071 KSC, and

WHEREAS, by way of Resolution 13-64, the Council authorized an allotment to Special Counsel in the maximum amount of \$40,000.00 for legal fees and costs in the defense of the City in the above-referenced lawsuit; and

WHEREAS, Special Counsel was successful in getting the Bennett-Bagorio case dismissed by the United States District Court; however, Plaintiffs appealed the District Court's Order of Dismissal to the Ninth Circuit Court of Appeals; and

WHEREAS, to date, Special Counsel has billed the City a total of \$40,000.00 to defend the Bennett-Bagorio lawsuit, and has requested an additional sum of \$75,000 to cover anticipated legal fees and costs for the pending Appeal before the Ninth Circuit; and

WHEREAS, based on the above, it appears that the additional funds are warranted and Corporation Counsel has recommended the allotment of the requested additional sums; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu, pursuant to the mandate of Sections 5-203 and 5-204.3 of the Revised Charter of the City and County of Honolulu 1973 (2000 Ed.), that an additional \$75,000.00 be allotted for the payment of the law firm of Ayabe Chong Nishimoto Sia & Nakamura to represent the City in the appellate proceedings arising out of the claims and lawsuit entitled Officer Cassandra Bennett-Bagorio, et al. v. The City and County of Honolulu, et al., Civil No. CV 13-00071 KSC, bringing the total maximum amount authorized to defend the case in all legal proceedings to \$115,000.00; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 14-284

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, Hawaii 96813.

INTRODUCED BY:

[Handwritten signature]

(br)

DATE OF INTRODUCTION:

NOV 21 2014

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 14-284

Introduced: 11/21/14 By: RON MENOR (BR)

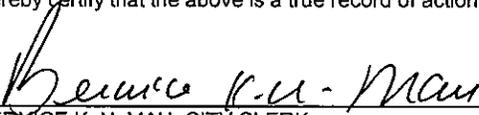
Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

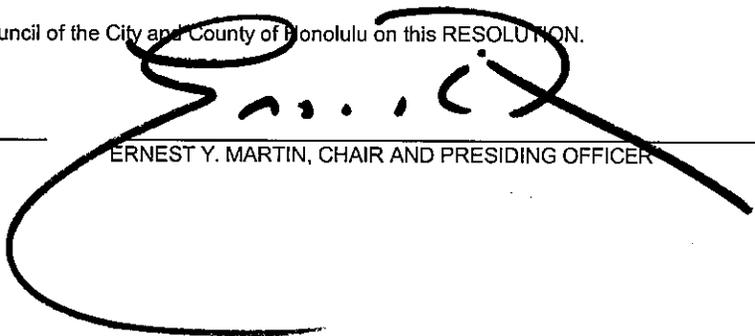
Title: RESOLUTION TO REQUEST ADDITIONAL FUNDS FOR THE SERVICES OF AYABE CHONG NISHIMOTO SIA & NAKAMURA AS SPECIAL COUNSEL TO REPRESENT DEFENDANT THE CITY AND COUNTY OF HONOLULU IN A LEGAL ACTION ENTITLED: OFFICER CASSANDRA BENNETT-BAGORIO, ET AL. V. THE CITY AND COUNTY OF HONOLULU, ET AL., CIVIL NO. CV 13-00071 KSC.

Voting Legend: * = Aye w/Reservations

11/18/14	EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION)	CR-318 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
12/10/14	COUNCIL	CR-318 AND RESOLUTION 14-284 WERE ADOPTED. 9 AYES: ANDERSON, CHANG, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE.

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