CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 23-141

# RESOLUTION

TO REQUEST ADDITIONAL FUNDS FOR CONTRACT NO. SC-COR-2200097 TO CONTINUE THE SERVICES OF FARM BENEDICT SUGIHARA, A LIMITED LIABILITY LAW PARTNERSHIP LLP, AS SPECIAL COUNSEL TO REPRESENT DEFENDANTS CITY AND COUNTY OF HONOLULU AND SUSAN BALLARD IN A LEGAL ACTION ENTITLED DEBRALYNN THOMAS, INDIVIDUALLY AND IN HER CAPACITY AS PERSONAL REPRESENTATIVE OF THE ESTATE OF KYLE THOMAS V. CITY AND COUNTY OF HONOLULU, ET AL., CIVIL NO. CV21-00087 JAO/KJM (USDC)

WHEREAS, by way of Resolution No. 22-76, the Council of the City and County of Honolulu ("Council") approved the retention of the law firm of Farm Benedict Sugihara, a Limited Liability Law Partnership LLP, as Special Counsel to represent Defendants City and County of Honolulu ("City") and Susan Ballard ("Ballard") in a legal action entitled Debralynn Thomas, Individually and in her capacity as Personal Representative of the Estate of Kyle Thomas v. City and County of Honolulu, et al., Civil No. CV21-00087 JAO/KJM (USDC); and

WHEREAS, by way of Resolution No. 22-76, the Council authorized an allotment to Special Counsel in the amount of $50,000.00 for legal fees and costs in the representation of the City and Ballard in the above-referenced legal action; and

WHEREAS, to date, the amount of $ 81,646.87 has been incurred in fees and costs and additional funds are necessary to provide the ongoing essential representation of the City; and

WHEREAS, based on the above, it appears that an increase in the amount of fees is warranted and Corporation Counsel has recommended the allotment of additional sums; now, therefore,

BE IT RESOLVED by the Council, pursuant to Sections 5-203 and 5-204.3 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition), that an additional $138,500.00 be allotted for the payment to the law firm of Farm Benedict Sugihara, a Limited Liability Law Partnership LLP, as Special Counsel to represent the City and Ballard, in accordance with all the terms and conditions set forth in Resolution No. 22-76, bringing the total amount authorized by Council resolution to $188,500.00; and

THOMAS.FBS.R23.2

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BE IT FINALLY RESOLVED by the Council that the Clerk be and is hereby directed to transmit copies of this Resolution to the Corporation Counsel and the law firm of Farm Benedict Sugihara, a Limited Liability Law Partnership LLP, 700 Bishop Street, Suite 1601, Honolulu, Hawaii 96813.

INTRODUCED BY:

(br)

DATE OF INTRODUCTION:

JUN 22 2023
Honolulu, Hawaii

Councilmembers

THOMAS.FBS.R23.2

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

# CERTIFICATE

**RESOLUTION 23-141**

| | | | | | |
|---|---|---|---|---|---|
| Introduced: | 06/22/23 | By: | TYLER DOS SANTOS-TAM - BY REQUEST | Committee: | EXECUTIVE MATTERS AND LEGAL AFFAIRS (EMLA) |

Title: TO REQUEST ADDITIONAL FUNDS FOR CONTRACT NO. SC-COR-2200097 TO CONTINUE THE SERVICES OF FARM BENEDICT SUGIHARA, A LIMITED LIABILITY LAW PARTNERSHIP LLP, AS SPECIAL COUNSEL TO REPRESENT DEFENDANTS CITY AND COUNTY OF HONOLULU AND SUSAN BALLARD IN A LEGAL ACTION ENTITLED DEBRALYNN THOMAS, INDIVIDUALLY AND IN HER CAPACITY AS PERSONAL REPRESENTATIVE OF THE ESTATE OF KYLE THOMAS V. CITY AND COUNTY OF HONOLULU, ET AL., CIVIL NO. CV21-00087 JAO/KJM (USDC)

Voting Legend: * = Aye w/Reservations

| | | |
|---|---|---|
| 06/20/23 | EMLA | Reported out for adoption.<br><br>CR-183<br><br>8 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS<br><br>1 ABSENT: WEYER |
| 06/22/23 | INTRO | Introduced. |
| 07/12/23 | CCL | Committee report and Resolution were adopted.<br><br>7 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, TULBA, WATERS, WEYER<br><br>1 NO: OKIMOTO<br><br>1 ABSENT: TUPOLA |

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.

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER