



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-98

RESOLUTION

TO RETAIN THE LEGAL SERVICES OF FARM BENEDICT SUGIHARA A LIMITED LIABILITY LAW PARTNERSHIP LLP AS SPECIAL COUNSEL TO REPRESENT DEFENDANT JOSHUA NAHULU IN THE LEGAL ACTION ENTITLED UALANI GOUVEIA, ET AL. V. RICK BLANGIARDI, ET AL., CASE NO. 1CV-23-00378-JAO-WRP (U.S.D.C.)

WHEREAS, on September 11, 2023 Plaintiffs Ualani Gouveia and Dennis Gouveia filed a lawsuit against City and County of Honolulu employees Rick Blangiardi, Dana M.O. Viola, Steven Alm, Arthur Joe Logan, Rade Vanic (collectively "City Defendants"), and HPD officers Joshua Nahulu, Erik Smith, Jake Bartolome, and Robert Lewis III (collectively, "Officer Defendants"); and

WHEREAS, pursuant to the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("RCH"), Section 5-203, "[t]he corporation counsel shall serve as the chief legal adviser and legal representative of all agencies, the council and all officers and employees in matters relating to their official powers and duties"; and

WHEREAS, pursuant to RCH Section 5-204.3, "[w]here 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 Department of the Corporation Counsel has determined that there is a real and identifiable conflict of interest which prohibits it from representing both the City Defendants and the Officer Defendants in the Lawsuit; and

WHEREAS, based upon the foregoing, it is necessary to appoint and retain Special Counsel to represent and defend the Officer Defendants; and

WHEREAS, Farm Benedict Sugihara A Limited Liability Law Partnership LLP possesses the specialized legal knowledge and expertise to defend Defendant Joshua Nahulu as Special Counsel in the Lawsuit; now, therefore,

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

1. Pursuant to RCH Section 5-204.3, the City Council authorizes the appointment and retention of Farm Benedict Sugihara A Limited Liability Law Partnership LLP as Special Counsel to represent Defendant Joshua Nahulu in the defense of, and any appellate proceedings arising out of, the above-referenced matter;

2. The total sum to be expended to pay Special Counsel shall not exceed Fifty Thousand dollars (\$50,000.00), but this amount may be increased by the



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Council if it is satisfied with the justification made upon the recommendation of the Corporation Counsel for an increase in the stated maximum amount;

3. 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

4. The Director of Budget and Fiscal Services is authorized to execute a contract with Farm Benedict Sugihara A Limited Liability Law Partnership LLP for the legal representation of Defendant Joshua Nahulu in the above-referenced matter; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Department of the Corporation Counsel and to Farm Benedict Sugihara A Limited Liability Law Partnership LLP, 700 Bishop Street, Suite 1601, Honolulu, Hawai'i 96813.

INTRODUCED BY:

DATE OF INTRODUCTION:

APR 11 2024

Honolulu, Hawai'i

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 24-98

Introduced: 04/11/24 By: TYLER DOS SANTOS-TAM - BY REQUEST Committee: EXECUTIVE MATTERS AND LEGAL AFFAIRS (EMLA)

Title: TO RETAIN THE LEGAL SERVICES OF FARM BENDICT SUGIHARA A LIMITED LIABILITY LAW PARTNERSHIP LLP AS SPECIAL COUNSEL TO REPRESENT DEFENDANT JOSHUA NAHULU IN THE LEGAL ACTION ENTITLED UALANI GOUVEIA, ET AL. V. RICK BLANGIARDI, ET AL., CASE NO. 1CV-23-00378-JAO-WRP (U.S.D.C.).

Voting Legend: * = Aye w/Reservations

04/02/24	EMLA	Reported out for adoption. CR-102 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO*, SAY, TULBA, TUPOLA, WATERS, WEYER
04/11/24	INTRO	Introduced.
04/17/24	CCL	Committee report and Resolution were adopted. 6 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WATERS, WEYER 1 NO: OKIMOTO 2 ABSENT: TULBA, 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