# HONOLULU CITY COUNCIL

*KE KANIHELA O KE KALANA O HONOLULU*

CITY AND COUNTY OF HONOLULU

No. 25-106

## RESOLUTION

TO REQUEST ADDITIONAL FUNDS FOR CONTRACT NO. SC-COR-2200087 FOR SERVICES OF KOBAYASHI SUGITA & GODA LLP AS SPECIAL COUNSEL REPRESENTING DEFENDANTS HONOLULU LIQUOR COMMISSION, JACOB FEARS, AND CATHERINE FONTAINE IN THE LEGAL ACTION ENTITLTED SCARLET HONOLULU, INC., ET AL. V. HONOLULU LIQUOR COMMISSION, ET AL., CASE NO. CV 21-00457 KJM (USDC).

WHEREAS, by way of Resolution 22-75, the Council of the City and County of Honolulu ("Council") approved the retention of the firm of Kobayashi Sugita & Goda LLP ("KSG") as Special Counsel to represent Defendants Honolulu Liquor Commission ("HLC"), Jacob Fears ("Fears") and Catherine Fontaine ("Fontaine") in the legal action entitled Scarlet Honolulu, Inc., et al. v. Honolulu Liquor Commission, et al., Case No. CV 21-00457 KJM (USDC); and

WHEREAS, by way of Resolution 22-75, the Council authorized an allotment to Special Counsel in the amount of $50,000.00 for legal fees and costs in the representation of Defendants HLC, Fears, and Fontaine in the above-referenced legal action; and

WHEREAS, by way of Resolution 23-291, the Council authorized an allotment to Special Counsel in the amount of $410,000.00 for legal fees and costs, for a total amount of $460,000.00, in the representation of Defendants HLC, Fears, and Fontaine in the above-referenced legal action; and

WHEREAS, KSG has billed a total amount of approximately $520,000.00, and a final invoice has been received for the case. Due to insufficient funds to pay outstanding bills, an additional $60,000.00 is necessary to pay these invoices and conclude KSG's legal representation of the Defendants in the above-referenced legal action; and

WHEREAS, based on the above, an increase in the amount of fees and cost is warranted, and Corporation Counsel has recommended the allotment of an additional sum of $60,000.00; now, therefore,

BE IT RESOLVED by the Council, pursuant to Sections 5-203 and 5-204 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition), that an additional $60,000.00 be allotted for the payment to the law firm of Kobayashi Sugita & Goda LLP as Special Counsel to the Defendants, in accordance with all of the terms and conditions set forth in Resolution No. 22-75 and Resolution 23-291, bringing the total amount authorized by Council resolution to $520,000.00; and



(Scarlet.KSG.2025)

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CITY AND COUNTY OF HONOLULU

No. 25-106

## RESOLUTION

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 Kobayashi Sugita & Goda LLP, 999 Bishop Street, 26th Floor, Honolulu, Hawai'i 96813.

INTRODUCED BY:

(br)

DATE OF INTRODUCTION:

APR 2 2025

Honolulu, Hawai'i

Councilmembers



(Scarlet.KSG.2025)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

# CERTIFICATE

**RESOLUTION 25-106**

| | | | | | |
|---|---|---|---|---|---|
| Introduced: | 04/02/25 | By: | SCOTT Y. NISHIMOTO - BY REQUEST | Committee: | INTERNATIONAL & LEGAL AFFAIRS (ILA) |

Title: TO REQUEST ADDITIONAL FUNDS FOR CONTRACT NO. SC-COR-2200087 FOR SERVICES OF KOBAYASHI SUGITA & GODA LLP AS SPECIAL COUNSEL REPRESENTING DEFENDANTS HONOLULU LIQUOR COMMISSION, JACOB FEARS, AND CATHERINE FONTAINE IN THE LEGAL ACTION ENTITLTED SCARLET HONOLULU, INC., ET AL. V. HONOLULU LIQUOR COMMISSION. ET AL., CASE NO. CV 21-00457 KJM (USDC).

Voting Legend: * = Aye w/Reservations

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|---|---|---|
| 04/02/25 | ILA | Reported out for adoption.<br><br>CR-122<br><br>7 AYES: CORDERO, KIA'ĀINA, NISHIMOTO, OKIMOTO, TULBA, TUPOLA, WEYER<br><br>2 ABSENT: DOS SANTOS-TAM, WATERS |
| 04/02/25 | INTRO | Introduced. |
| 04/16/25 | CCL | Committee report and Resolution were adopted.<br><br>7 AYES: CORDERO, DOS SANTOS-TAM, NISHIMOTO, OKIMOTO, TULBA, WATERS, WEYER<br><br>2 ABSENT: KIA'ĀINA, 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