
A BILL FOR AN ACT

MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS
OFFICERS, OR ITS EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 **PART I**

2 SECTION 1. The following sums or so much thereof as may be
3 necessary for fiscal year 2009-2010 are appropriated out of the
4 general revenues of the State of Hawaii to the department of the
5 attorney general for the purpose of satisfying claims for
6 legislative relief as to the following named persons, firms,
7 corporations, and entities for claims against the State or its
8 officers or employees for the overpayment of taxes, or for
9 refunds, reimbursements, payments of judgments or settlements,
10 or other liabilities, in the amounts set forth opposite their
11 names:

12	JUDGMENTS AGAINST THE STATE	AMOUNT
13	AND SETTLEMENTS OF CLAIMS:	
14		
15	1. DEPARTMENT OF PUBLIC SAFETY:	
16	Botelho, et al. v. State of Hawaii, et al.	\$30,454.33
17	Civil No. 06-00096 DAE-BMK, USDC	Judgment



1	DeJesus, et al. v. State of Hawaii,	\$80,000.00
2	et al., Civil No. 06-1-1070-06,	Settlement
3	First Circuit	
4		<hr/>
5	SUBTOTAL:	\$110,454.33
6	2. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
7	Consolidated Cases:	
8	Fehring, et al. v. Pflueger, et al.	\$1,500,000.00
9	Civil No. 06-1-0082, Fifth Circuit	Settlement
10		
11	Midler, et al. v. Pflueger, et al.	
12	Civil No. 06-1-0110, Fifth Circuit	
13		
14	Pflueger, et al. v. State of Hawaii	
15	Civil No. 07-1-0117, Fifth Circuit	
16		
17	Calisher, et al. v. Pflueger, et al.	
18	Civil No. 07-1-0106, Fifth Circuit	
19		
20	Fehring, et al. v. Pflueger, et al.	
21	Civil No. 08-1-0050, Fifth Circuit	
22		
23	Fehring, et al. v. Pflueger, et al.	
24	Civil No. 08-1-0051, Fifth Circuit	
25		
26	Bosma, et al. v. Pflueger, et al.	
27	Civil No. 08-1-0052, Fifth Circuit	
28		
29	Midler, et al. v. Pflueger, et al.	
30	Civil No. 08-1-0053, Fifth Circuit	
31		
32	Roque v. Dickman, et al.	\$93,850.00
33	Civil No. 07-1-0497-03, First Circuit	Settlement
34		<hr/>
35	SUBTOTAL:	\$1,593,850.00



1	3.	DEPARTMENT OF HUMAN SERVICES:	
2		Manalo v. Wells, et al.	\$32,478.37
3		Civil No. 08-1-2212-10, First Circuit	Judgment
4		Amount of judgment:	
5		4% interest from 10/21/09	
6		Henson v. State of Hawaii	\$ 30,000.00
7		Civil No. 06-1-0794, First Circuit	Settlement
8			
9		Ayala, et al. v. Wilson, et al.	\$ 50,000.00
10		Civil No. 04-1-0250, Third Circuit	Settlement
11			
12		McMillon, et al. v. State of Hawaii,	\$610,000.00
13		et al., Civil No. 08-00578, USDC	Settlement
14		and	
15		Faletogo, et al., v. State of Hawaii,	
16		et al., Civil No. 08-1-2608-12,	
17		First Circuit	
18			
19		Kong-Guillermo v. Hefferman, et al.	\$110,000.00
20		Civil No. 07-1-2406-12, First Circuit	Settlement
21			
22		Perez v. Karr, et al.	\$213,333.00
23		Civil No. 07-1-2418-12, First Circuit	Settlement
24			
25		Wolters v. Carroll, et al.	\$213,333.00
26		Civil No. 07-1-2358-12, First Circuit	Settlement
27			
28		Toomey v. Karr, et al.	\$213,333.00
29		Civil No. 07-1-2407-12, First Circuit	Settlement
30			
31		Ra v. State of Hawaii	\$ 39,500.00
32		Civil No. 08-1-2111-10, First Circuit	Settlement
33			
34		Hadley v. Torney, et al.	\$100,000.00
35		Civil No. 08-1-1074-05 KKS, First Circuit	Settlement
36			
37		Robinson v. Tripler Army	\$ 12,000.00
38		Medical Center, et al.	Settlement
39		Civil No. 04-00672 DAE-KSC, USDC	
40			



1	SUBTOTAL:	\$1,623,977.37
2	4. DEPARTMENT OF EDUCATION:	
3	Cabanting, et al. v. Poouahi,	\$3,485,815.38
4	et al., Civil No. 07-1-0038,	Settlement
5	Third Circuit	
6		
7	Clark v. State of Hawaii, et al.	\$ 30,000.00
8	Civil No. 07-1-2124, First Circuit	Settlement
9		
10	Conley v. Mahuna, et al.	\$ 15,000.00
11	Civil No. 06-1-0112, Third Circuit	Settlement
12		
13	T.N. v. Department of Education, et al.	\$ 75,000.00
14	Civil No. 10-00159 DAE-LEK, USDC	Settlement
15		
16	SUBTOTAL:	\$3,605,815.38
17	5. DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM:	
18	Brandt v. Department of Business,	\$ 80,000.00
19	Economic Development & Tourism	Settlement
20	ICA Appeal No. 30072, AB 2006-131	
21		
22	SUBTOTAL:	\$ 80,000.00
23	6. MISCELLANEOUS CLAIMS:	
24	Kathleen M. Gillett	\$1,379.31
25	June S. Hashizaki	\$150.00
26	DB Structured Products, Inc.	\$499,999.91
27		
28	SUBTOTAL:	\$501,529.22
29	Total (SECTION 1):	\$7,515,626.30



1 The sums appropriated shall be expended by the department
2 of the attorney general for the purposes of this Act.

3 PART II

4 SECTION 2. The following sums or so much thereof as may be
5 necessary for fiscal year 2009-2010 are appropriated out of the
6 state harbor fund for the purpose of satisfying claims for
7 legislative relief as to the following named persons, for claims
8 against the State or its officers or employees for payments of
9 judgments or settlements, or other liabilities in the amount set
10 forth opposite their names:

11 JUDGMENTS AGAINST THE STATE	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
15	
16 Flores, et al. v. Department of	
17 Transportation, et al.,	\$ 23,225.34
18 Civil No. 07-1-0204, Fifth Circuit	Judgment
19	
19 SUBTOTAL:	\$ 23,225.34
20	
20 Total (SECTION 2):	\$ 23,225.34

21 The sums appropriated shall be expended by the department
22 of transportation, harbors division, for the purposes of this
23 Act.

24 SECTION 3. The following sums or so much thereof as may be
25 necessary for fiscal year 2009-2010 are appropriated out of the



1 state highway fund for the purpose of satisfying claims for
2 legislative relief as to the following named persons, for claims
3 against the State or its officers or employees for payments of
4 judgments or settlements, or other liabilities, in the amount
5 set forth opposite their names:

6 **JUDGMENTS AGAINST THE STATE** **AMOUNT**
7 **AND SETTLEMENTS OF CLAIMS:**

8
9 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

10	Cabrera, et al. v. State of	\$ 75,000.00
11	Hawaii, et al., Civil No. 06-1-0317-02,	Settlement
12	First Circuit	
13		
14	D&J Ocean Farms, Inc. v. Pedro,	\$ 25,000.00
15	et al., Civil No. 06-1-0373(3),	Settlement
16	Second Circuit	
17		
18	Morales v. Department of	\$ 25,000.00
19	Transportation, et al.,	Settlement
20	Civil No. 06-1-2206-12,	
21	First Circuit	
22		
23	Bartolome v. Tagalicolod, et al.	\$500,000.00
24	Civil No. 08-1-0086K, Third Circuit	Settlement
25		
26	Farris v. State of Hawaii	\$475,000.00
27	Civil No. 06-1-0249-02, First Circuit	Settlement
28		
29	Pinion v. State of Hawaii, et al.	\$475,000.00
30	Civil No. 08-1-0460(1), Second Circuit	Settlement
31		
32		
33	SUBTOTAL:	\$1,575,000.00
34	TOTAL (SECTION 3)	\$1,575,000.00



1 invalid, the invalidity does not affect other provisions or
2 applications of the Act, which can be given effect without the
3 invalid provision or application, and to this end the provisions
4 of this Act are severable.

5 SECTION 8. This Act shall take effect upon its approval.

6



Report Title:

Appropriations; Claims Against State

Description:

Makes appropriations for claims against the State, its officers, or its employees. Effective upon its approval. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

