

A Bill for an Act Making an Appropriation for Payment of a Judgment Between the State of Hawaii and Sylvia Gamino.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The purpose of this Act is to provide for the payment of a judgment which resulted from a settlement agreement in the lawsuit captioned *Sylvia Gamino v. State of Hawaii v. Yukio Yamamoto and Yama's General Contractors*, Civil No. 59095 in the First Circuit Court of the State of Hawaii. Miss Gamino sued the State of Hawaii because she was a passenger in a State vehicle driven by a State employee, which vehicle was involved in an accident with another vehicle. As a result of this accident, Miss Gamino was rendered a quadriplegic.

The circuit court granted summary judgment as to liability against the State on February 19, 1980, in effect determining that the State was liable to Miss Gamino and that a trial on liability was not necessary.

With liability having been decided, the case was set for trial on the issue of damages before the Honorable Judge Ronald Greig in August, 1980. After extensive pretrial discovery, consultation with numerous experts and after careful consideration, the Department of the Attorney General agreed to settle this personal injury suit for the total sum of \$4,400,000. The State was insured by Liberty Mutual Insurance Company for the amount of \$300,000, which sum has been paid by Liberty Mutual to the plaintiff. Therefore, the principle amount needed to be appropriated to pay the judgment is \$4,100,000. According to the terms of the judgment entered by the court, that sum should be paid to Ibar, Inc., a California corporation retained by the plaintiff to make predetermined periodic payments to her. Payment to Ibar, Inc., will satisfy the Judgment entered against the State.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,100,000, together with four per cent interest of \$164,898.63 to July 31, 1981, to be paid to Ibar, Inc., according to the terms of the Judgment entered in *Sylvia Gamino vs. State of Hawaii vs. Yukio Yamamoto and Yama's General Contractors*, Civil No. 59095, in the First Circuit Court of the State of Hawaii.

SECTION 3. The funds appropriated shall lapse on July 31, 1981.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 29, 1981.)