



GOV. MSG. NO. **556**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 12, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 12, 2010, the following bill was signed into law:

SB2661 SD2 HD2 CD1

A BILL FOR AN ACT  
MAKING APPROPRIATIONS FOR CLAIMS AGAINST  
THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.  
**ACT 098 (10)**

Sincerely,



LINDA LINGLE

Approved by the Governor

on MAY 12 2010

THE SENATE  
TWENTY-FIFTH LEGISLATURE, 2010  
STATE OF HAWAII

**ACT 098**  
**S.B. NO.** 2661  
S.D. 2  
H.D. 2  
C.D. 1

## 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:**

**PART I**

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

**JUDGMENTS AGAINST THE STATE  
AND SETTLEMENTS OF CLAIMS:**

**AMOUNT**

**1. DEPARTMENT OF PUBLIC SAFETY:**

Botelho, et al. v. State of Hawaii, et al.	\$30,454.33
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		
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		
35	SUBTOTAL:	\$1,593,850.00



## 3. DEPARTMENT OF HUMAN SERVICES:

Manalo v. Wells, et al.	\$32,478.37
Civil No. 08-1-2212-10, First Circuit	Judgment
Amount of judgment:	
4% interest from 10/21/09	
Henson v. State of Hawaii	\$ 30,000.00
Civil No. 06-1-0794, First Circuit	Settlement
Ayala, et al. v. Wilson, et al.	\$ 50,000.00
Civil No. 04-1-0250, Third Circuit	Settlement
McMillon, et al. v. State of Hawaii,	\$610,000.00
et al., Civil No. 08-00578, USDC	Settlement
and	
Faletogo, et al., v. State of Hawaii,	
et al., Civil No. 08-1-2608-12,	
First Circuit	
Kong-Guillermo v. Hefferman, et al.	\$110,000.00
Civil No. 07-1-2406-12, First Circuit	Settlement
Perez v. Karr, et al.	\$213,333.00
Civil No. 07-1-2418-12, First Circuit	Settlement
Wolters v. Carroll, et al.	\$213,333.00
Civil No. 07-1-2358-12, First Circuit	Settlement
Toomey v. Karr, et al.	\$213,333.00
Civil No. 07-1-2407-12, First Circuit	Settlement
Ra v. State of Hawaii	\$ 39,500.00
Civil No. 08-1-2111-10, First Circuit	Settlement
Hadley v. Torney, et al.	\$100,000.00
Civil No. 08-1-1074-05 KKS, First Circuit	Settlement
Robinson v. Tripler Army	\$ 12,000.00
Medical Center, et al.	Settlement
Civil No. 04-00672 DAE-KSC, USDC	



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 Flores, et al. v. Department of	
16 Transportation, et al.,	\$ 23,225.34
17 Civil No. 07-1-0204, Fifth Circuit	Judgment
18	<hr/>

19 SUBTOTAL:	\$ 23,225.34
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20 Total (SECTION 2):	\$ 23,225.34
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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:	
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. Tagalicod, 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 The sums appropriated shall be expended by the department  
2 of transportation, highways division, for the purposes of this  
3 Act.

4 **PART III**

5 SECTION 4. The sums hereinabove may be paid to the  
6 respective persons, or for the satisfaction or settlement of the  
7 respectively identified cases, and in several amounts  
8 hereinabove set forth or in lesser amounts deemed appropriate,  
9 upon checks issued by the comptroller; provided departments  
10 shall obtain the approval of the attorney general before payment  
11 of any claim can be made.

12 SECTION 5. Notwithstanding the sums hereinabove stated as  
13 interest upon judgments against the State, payment of interest  
14 shall be limited to the period from the date of judgment, if  
15 applicable, to thirty days after the effective date of this Act,  
16 as provided in section 662-8, Hawaii Revised Statutes, for those  
17 cases to which the statute applies.

18 SECTION 6. All unexpended and unencumbered balances of the  
19 appropriations made in this Act as of the close of business on  
20 June 30, 2011, shall lapse.

21 SECTION 7. If any provision of this Act, or the  
22 application thereof to any person or circumstance is held





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

APPROVED this 12 day of MAY, 2010

  
GOVERNOR OF THE STATE OF HAWAII