

JAN S.H. CHOY, CPA
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Electronically Filed
FIRST CIRCUIT
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Dkt. 1956 STR

COURT-APPOINTED CPA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

LEONA KALIMA, DIANE BONER,
RAYNETTE NALANI AH CHONG,
special administrator of the estate of
JOSEPH CHING, deceased,

Plaintiffs,

vs.

STATE OF HAWAII, STATE OF
HAWAII DEPARTMENT OF
HAWAIIAN HOME LANDS; et al.,

Defendants.

CIVIL NO. 99-4771-12 LWC
(Class Action)

REPORT OF JAN S.H. CHOY, CPA
REGARDING TRANSFER OF FUNDS
TO QUALIFIED SETTLEMENT
TRUST; EXHIBITS 1-3; CERTIFICATE
OF SERVICE

POST-TRIAL PROCEEDINGS JUDGE:
HON. LISA W. CATALDO

SETTLEMENT JUDGE: HON. GARY
W.B. CHANG

**REPORT OF JAN S.H. CHOY, CPA REGARDING TRANSFER OF FUNDS TO QUALIFIED
SETTLEMENT TRUST**

Pursuant to Haw. R. Civ. Pro. 53 and the October 30, 2023, *Stipulation Regarding Transfer of Class Settlement Amount to the Trustee and Amended Joint Order* (the “Funds Transfer Order”) [Dkt. 1954], Jan S.H. Choy, CPA reports to the Court regarding transfer of funds as follows:

1. On October 31, 2023, at my request and direction, THREE-HUNDRED TWENTY-SIX MILLION, THREE-HUNDRED FORTY-TWO THOUSAND, FOUR-HUNDRED NINE and 43/100 DOLLARS (\$326,342,409.43)(hereafter referred to as the “Settlement Fund”), was transferred by wire transfer from the Kalima Claims Administration Cost Trust account (sometimes referred to as the Kalima Interim Costs




Fund) at First Hawaiian Bank to the Kalima Class Action Settlement Trust Dated 06232023 account (the “QST Account”) at The Huntington National Bank, which account is controlled by Sylvius H. Von Saucken, General Manager - Mass Torts, EPIQ Class Action & Claims Solutions, Inc., Trustee of the Kalima Class Action Settlement Trust. Mr. Von Saucken was notified of the transfer in advance. The transfer was made to the QST Account, not Mr. Von Saucken directly, as it was a bank-to-bank wire transfer, and not a paper check. First Hawaiian Bank required use of the recipient account’s bank routing number and account number.

2. My request and directive was made via a “Funds transfer Fax Request” transmitted October 31, 2023, at 9:31 a.m. A copy of request is attached with fax confirmation as Exhibit 1. My request and directive were corroborated by the First Hawaiian Bank Wire Transfer Department in a telephone call, after I submitted the transfer request by fax, which also confirmed the transfer would occur October 31, 2023.
3. The Settlement Fund amount includes the entirety of:
 - The THREE-HUNDRED TWENTY-SIX MILLION DOLLARS (\$326,000,000.00) remaining in the Kalima Settlement Fund, which I received from the Court on October 30, 2023, and deposited in the Kalima Claims Administration Cost Trust (sometimes referred to as the Kalima Interim Costs Fund) bank account that same date. *See*, Exhibit 2, hereto; and
 - The THREE-HUNDRED FORTY-TWO THOUSAND, FOUR-HUNDRED NINE and 43/100 DOLLAR (\$342,409.43) balance that remained in the Kalima Claims Administration Cost Trust (sometimes referred to as the Kalima Interim Costs Fund) bank account.

4. On November 1, 2023, I received confirmation from the QST Account Trustee, Mr. Von Saucken, that the \$326,342,409.43, Settlement Fund was received and deposited into the QST Account on October 31, 2023. *See*, Exhibit 3.

DATED: Honolulu, Hawai'i, November 1, 2023.



JAN S.H. CHOY, CPA

FUNDS TRANSFER FAX REQUEST
Nonrepetitive Funds Transfer

Instructions for Fax Requests:

For **Nonrepetitive Funds Transfers**, an Authorized Representative must follow these steps in the order listed:

1. Call FHB's Wire Transfer Department at 808-844-3595 or 808-844-3640 (Neighbor Islands call 1-800-784-0272) to advise that a Fax Request will be sent. During the call, you must provide the following:
 - Your name
 - Your company's name
 - Your PIN (furnished to you by FHB)
 - The dollar amount of the funds transfer
2. Fill out the bottom portion of this form, and fax this page to 808-844-3447 or 808-844-3448 (Neighbor Islands call 1-800-784-0283).

Important Reminders: Your Fax Request for a funds transfer will **not** be acted upon by FHB if you have not called **before** faxing the request and do not provide the required information. After the Fax Request has been received, FHB will not call back to re-confirm the contents. Any Fax Request received by FHB on a Saturday, Sunday, or bank holiday, or after the Cutoff Times (listed in the Funds Transfer Agreement) shall not be considered received until FHB's next business day. FHB may reject any fax request it determines to be illegible or of poor fax quality.

Please **TYPE** the information requested and sign where designated. All spaces must be filled in for processing.

To: First Hawaiian Bank Wire Transfer Department

Fax Number 808-844- (Neighbor Islands: 1-800-784-0283)

From: KALIMA CLAIMS ADMINISTRATION COST TRUST (Company Name)Customer Account No. to Charge [REDACTED] Value Date 10/31/2023Dollar Amount \$ 326,342,409.43

(Note: The value date for foreign funds transfers must be two business days from the date of the request.)

To (Bank Name) THE HUNTINGTON NATIONAL BANK

ABA Number/SWIFT BIC [REDACTED]

City COLUMBUSState/Country OHIOBeneficiary Name KALIMA CLASS ACTION SETTLEMENT TRUST DATED 06232023

Beneficiary Account No. [REDACTED]

Beneficiary Address C/O EPIQ 10300 SW ALLEN BOULEVARD BEAVERTON, OREGON 97005Beneficiary Information/Special Instructions CALL EVETTE HOLLOWAY WITH QUESTIONS [REDACTED]**Required for Foreign Funds Transfer:**

Currency Type _____

Foreign Amount _____

Rate _____

U.S. Dollar Equivalent _____

Please call FHB at 808-844-4444 (Oahu only) or 1-888-844-4444 (toll free) to obtain FHB's prevailing rate of exchange. Your account will be debited for the U.S. dollar equivalent based on FHB's rate of exchange. Intermediary and beneficiary banks may assess a fee with the results that the payee/beneficiary may receive an amount that is less than the face value of the wire.

Signature of Authorized Representative JAN S.H. CHOY, TRUSTEE
Print Name

Signature of Authorized Representative

Print Name

10/31/23(808) 523-2811 X102

Date

Phone Number

For Bank Use Only

Entered By

Verified By

Transaction Reference No.

Date

MEMORY TRANSMISSION REPORT

TIME : 10-31-2023 09:31
 FAX NO.1 : 808-523-2822
 NAME : Choy & Wong CPAs Inc

FILE NO. : 597
 DATE : 10.31 09:31
 TO : 8088443447
 DOCUMENT PAGES : 1
 START TIME : 10.31 09:31
 END TIME : 10.31 09:31
 PAGES SENT : 1
 STATUS : OK

SUCCESSFUL TX NOTICE

First Hawaiian Bank
FUNDS TRANSFER FAX REQUEST
Nonrepetitive Funds Transfer

Instructions for Fax Requests:

For **Nonrepetitive Funds Transfers**, an Authorized Representative must follow these steps in the order listed:

1. Call FHB's Wire Transfer Department at 808-844-3695 or 808-844-3840 (Neighbor Islands call 1-800-784-0272) to advise that a Fax Request will be sent. During the call, you must provide the following:
 - Your name
 - Your company's name
 - Your PIN (furnished to you by FHB)
 - The dollar amount of the funds transfer
2. Fill out the bottom portion of this form, and fax this page to 808-844-3447 or 808-844-3448 (Neighbor Islands call 1-800-784-0283).

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Please **TYPE** the information requested and sign where designated. All spaces must be filled in for processing.

To: First Hawaiian Bank Wire Transfer Department

Fax Number 808-844- (Neighbor Islands: 1-800-784-0283)

From: KALIMA CLAIMS ADMINISTRATION COST TRUST (Company Name)

Customer Account No. to Charge

Value Date 10/31/2023

Dollar Amount \$ 326,342.409.43

(Note: The value date for foreign funds transfers must be two business days from the date of the request.)

To (Bank Name) THE HUNTINGTON NATIONAL BANK

ABA Number/SWIFT BIC

City COLUMBUS

State/Country OHIO

Beneficiary Name KALIMA CLASS ACTION SETTLEMENT TRUST DATED 06232023

Beneficiary Account No.

Beneficiary Address C/O EPIQ 10300 SW ALLEN BOULEVARD BEAVERTON, OREGON 97005

Beneficiary Information/Special Instructions CALL EVETTE HOLLOWAY WITH QUESTIONS

Required for Foreign

Funds Transfer:

Currency Type

Foreign Amount

Rate

U.S. Dollar Equivalent

Please call FHB at 808-844-4444 (Oahu only) or 1-888-844-4444 (toll free) to obtain FHB's prevailing rate of exchange. Your account will be debited for the U.S. dollar equivalent based on FHB's rate of exchange. Intermediary and beneficiary banks may assess a fee with the results that the payee/beneficiary may receive an amount that is less than the face value of the wire.

Signature of Authorized Representative

JAN S.H. CHOY, TRUSTEE
 Print Name

Signature of Authorized Representative

Print Name

10/31/23

(808) 523-2811 X102

Date

Phone Number

For Bank Use Only			
Entered By	Verified By	Transaction Reference No.	Date

EX-662 (REV. 10/25/15) (FRONT) INTERNET



First Hawaiian Bank

Date
10/30/2023

Time
03:40 PM

Main Banking Region
999 Bishop St,
Honolulu, HI 96813

Deposit Checking

Ref #: 01-13-221

Deposit To:



Cash Deposit: \$0.00

Check Amount: \$326,000,000.00

Cash Back: \$0.00

Deposit Amount: \$326,000,000.00

Thank You. We appreciate your Business

Member FDIC

From: [von Saucken, Sylvius](#)
To: [Carl Varady](#); [Jani@choywonginc.com](#); "Tom Grande"; Emily Kawashima; Scott Suzuki
Cc: [Hong, Jennifer](#)
Subject: RE: Kalima - an update on funds transfer
Date: Wednesday, November 1, 2023 7:42:44 AM
Attachments: [image001.png](#)

Aloha to each of you!

Update: I write to provide you with a quick note that yesterday, the Kalima Class Action Settlement Trust account held at Huntington National Bank received a wire transfer from the Kalima Claims Administration Cost Trust bank account at First Hawaiian Bank in the amount noted below



I understand the amount, \$326,342,409.43 matches the amounts expected. Please let me know if you have any questions about same. I further understand this has been a long road to get to this day. I congratulate you each for this accomplishment. Now the next phase of this settlement process begins. We are honored to be a part of the process in getting you and your clients to their respective moments of closure.

My best (and Mahalo!)

/s/ Sylvius

Sylvius von Saucken, Trustee
Kalima Class Action Settlement Trust dtd 6/23/23

Sylvius von Saucken, Esq.
Epiq | Managing Director
Office: 704.559.4301
Mobile: 513.535.8869
Email: Sylvius.vonSaucken@epiqglobal.com

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CERTIFICATE OF SERVICE

A copy of the foregoing document was served all parties and counsel of record registered to this case through the Court's JEFS system on the date indicated below:

DATED: Honolulu, Hawai'i, November 1, 2023.



JAN S. H. CHOY, CPA