

KALIMA PROBATE PLAN

Information about the settlement payment process for Deceased
Class Members

TOPICS

Probate Notice

Forms

Probate Plan Process

Important Documents

Petition and Notice of Hearing

Hearing, Orders and Timing

Mediation

Public Assistance

TIMING

PLEASE BE PATIENT

- There are over 1,200 Deceased Class Members.
- Entire process will likely take over 2 years.
 - Payments will be issued on a rolling basis as Court's Orders on each Petition become final.
- Claims with completed Deceased Class Member Information Forms will generally be processed first. However, processing will be delayed if:
 - There are multiple forms or documents with conflicting information;
 - Incomplete information (e.g., failing to identify family members); and/or
 - Disputes between family members.
- All Settlement Payments for Deceased Class Members MUST go through the Probate Plan process.
 - Hiring a private attorney will NOT necessarily speed up the process.
 - Previously probated estates will NOT necessarily go faster.

PROBATE NOTICE

KALIMA CLASS ACTION SETTLEMENT

FIRST NOTICE TO HEIRS AND DEVISEES OF DECEASED CLASS MEMBERS IN *KALIMA et al. v. STATE OF HAWAII, et al.*, Civil No. 99-4771-12 LWC WHO MAY BE ENTITLED TO A SETTLEMENT PAYMENT.

This is an official communication of the First Circuit Court, State of Hawai'i and is not a solicitation.

This notice is intended for the rightful heirs and devisees of Deceased Class Members in *Kalima et al. v. State of Hawai'i, et al.*, Civil No. 99-4771-12 LWC. An "heir" is a spouse, child or other person who may share in the estate of a Deceased Class Member as defined by H.R.S. §§560:1-201, 560:2-101, 560:2-102 and 560:2-701, and who may be entitled to receive Settlement Payment in this case. A "devisee" means a person designated in a will to receive a share in the estate of a Deceased Class Member, including a trustee, and as defined by H.R.S. §560:1-201. This notice is being sent to potential heirs and devisees of Deceased Class Members' estates where the estate is eligible to receive a Settlement Payment. The fact that you are receiving this notice does not mean that you will receive a payment. This notice provides important information for you to participate in the process by which eligibility to receive payments will be determined by the Court.

If you are not a family member or devisee of a Deceased Class Member and received this mailing in error, but know the family of the Deceased Class Member to whom it is addressed, please forward this notice to the family. Mahalo.

If you are or believe you are an heir or devisee of a Deceased Class Member, please review this notice carefully and follow the instructions.

OVERVIEW OF THE STATUS OF THE SETTLEMENT AND PROBATE PROCESS

On July 21, 2023, First Circuit Court Judge Lisa W. Cataldo orally granted final approval of the Kalima Class Action Settlement. On August 1, 2023, the Order Granting Final Approval and Judgment were filed. One class member filed an appeal, temporarily pausing the payment process.

On October 26, 2023, the Hawai'i Supreme Court dismissed the appeal and ruled that the appellant had no claim. The case was sent back to the circuit court. This was the only appeal and the payment process can now begin.

In order to distribute the Settlement Payments to the rightful heirs and devisees of a Deceased Class Member, the Court has approved a "Probate Plan" and appointed a Probate Special Master and Probate Special Counsel. The Probate Plan outlines the process for distributing the Settlement Payments to the proper parties. The Probate Plan is available online at www.kalima-lawsuit.com/important-documents listed under the "Probate Documents" heading.

The Probate Special Master and Probate Special Counsel will work with the Claims Administrator and family members to collect the required information and documentation to identify the rightful heirs and devisees of Deceased Class Members. Once identified, the Probate Special Counsel will petition the Court for approval to disburse the Settlement Payment to the rightful heirs and devisees. The Probate Special Master will review these petitions and make recommendations to the Court.

You do not have to pay any money out of pocket to be included in the Probate Plan - that includes fees and costs for the Probate Special Counsel to petition the Court on behalf of your Deceased Class Member and the fees and costs for the Probate Special Master's services. Any fees and costs associated with the Probate Plan will be taken out of the Settlement Payment. You may choose to use a private attorney to obtain the documentation required under the Probate Plan for distribution of the Settlement Payment, but you will be responsible for payment of the privately retained attorney's fees and costs. The Probate Plan is a very cost-effective process to ensure the proper heirs and devisees receive the Settlement Payment.

STEPS TO TAKE

In order to deliver Settlement Payments to the proper heirs and devisees of Deceased Class Members, and to help expedite this process, we must receive complete information about the Deceased Class Members' family members. It is best if ONE person for each Deceased Class Member's family be designated as the point of contact to provide and receive information. Probate Special Counsel and Probate Special Master may contact this person in order to gather additional information, as needed.

DECEASED CLASS MEMBER INFORMATION REQUEST FORM



Kalima v State of Hawai'i Settlement **Deceased Settlement Class Member Information Request Form**

Under Hawai'i law, the money awarded to a deceased person will pass to persons named in a will or trust, or to certain family members if there is no will or trust ("intestate estate"). Probate court approval is required to approve the distribution of an intestate estate to family members. For that reason, please send us information about the deceased Settlement Class Member's family using the following form.

We are sorry for your loss. We will send you more information about the probate process in the future.

PLEASE COMPLETE THIS FORM AND MAIL OR EMAIL IT TO:

Kalima Claims Administrator
P.O. Box 135035
Honolulu, HI 96801
info@kalima-lawsuit.com

If you have any questions regarding this Settlement, you may contact the Claims Administrator by mail, email, or phone at 808-650-5551 or 833-639-1308. Please include your name and return address in all correspondence.

DECEASED SETTLEMENT CLASS MEMBER INFORMATION

First Name: MI: Last Name:

Place of Death:

Date Death: - - Date of Birth: - -
MM DD YYYY MM DD YYYY

Last 4 Digits of Social Security Number:

DID THE DECEASED SETTLEMENT CLASS MEMBER HAVE A WILL OR TRUST? (please provide a copy of the documents)

☐ WILL ☐ TRUST ☐ UNKNOWN

PLEASE PROVIDE THE NAME AND CONTACT INFORMATION OF THE EXECUTOR OR TRUSTEE

First Name: MI: Last Name:

Address:

City: State: ZIP Code:

Telephone: - -

Email:

FAMILY INFORMATION FORM



0000PLACEHOLDER0000

DETAILED FAMILY INFORMATION FORM

INSTRUCTIONS:

- 1) Complete one form per Deceased Class Member. The submission of multiple forms will delay processing.
- 2) Designate a person to be your family representative for this Settlement. This person will serve as the point of communication during processing. This does NOT entitle the person to receive any additional Settlement Payment.
- 3) Answer ALL of the following questions and provide the requested information and/or documentation. Failure to provide the information will result in a delay in processing and disbursement of any Settlement Payment.
- 4) If additional space is necessary to respond to any of the questions, please use additional sheets of paper. You do not need to copy this form.
- 5) Some of the information may have already been provided; however, additional information is needed to ensure that the Settlement Payment is disbursed to the correct heirs and devisees.

DECEASED CLASS MEMBER INFORMATION

Tracking Number: _____ (this is the 4 digit number on the address sheet enclosed with this Notice)

First Name: _____ Middle Name: _____ Last Name: _____

Last 4 of Social Security Number: _____

FAMILY REPRESENTATIVE INFORMATION

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

Relationship to Deceased Class Member: _____

FAMILY INFORMATION

1. Was the Deceased Class Member's spouse alive at the time of the Deceased Class Member's death?

YES _____

NO _____

If YES, please provide the surviving spouse's full name and address:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

PROBATE PLAN PROCESS

Step 1 - Submit Documents to the Claims Administrator



Step 2 – Review by Probate Special Counsel



Step 3 - Probate Petition



Step 4 - Court Hearing & Order



Step 5 - Waiting Period



Step 6 - Payment



IMPORTANT DOCUMENTS YOU MAY HAVE AT HOME

Death Certificate


Letters of Administration

Letters Testamentary

Letters of Administration

Letters of Special Administration

SAMPLE DEATH CERTIFICATE

CERTIFICATE OF DEATH			
STATE OF HAWAII DEPARTMENT OF HEALTH		 CERTIFICATE NO. [REDACTED]	
Name of Decedent [REDACTED]			
City, Town or Location of Death Wailuku		County of Death MAUI	Island of Death MAUI
Actual or Presumed Date of Death June 23, 2020	Actual or Presumed Time of Death 9:58 AM	Date of Birth [REDACTED]	Age at Death 80 YEAR(s)
Sex FEMALE	Race Hawaiian/Filipino	Citizenship UNITED STATES	Ever in Armed Forces? NO
Social Security Number [REDACTED]	Marital Status WIDOW(ER)		
Father's Name [REDACTED]		Mother's Name (Prior to First Marriage) [REDACTED]	
Disposition			
BURIAL		Cemetery/Crematory: Maria Lanakila Cemetery	
Date: July 25, 2020		Location: Lahaina, HI 96761	
Permit #: 235599		Funeral Home: BALLARD FAMILY MORTUARY	
Certifier: [REDACTED]			
Date Certified: June 30, 2020		Original Date Certified: June 30, 2020	
Cause of Death:			
a. SUBARACHNOID INTRAVENTRICULAR HEMORRHAGE Interval: < 3 HOURS			
b. BASILAR TIP ARTERY ANEURYSM Interval: ~ 2 YRS, 11 MOS.			
Manner of Death: NATURAL CAUSES			
Date Filed by State Registrar: July 1, 2020			
OHSM 1.2 (Rev. 1/2013) This copy serves as prima facie evidence of the fact of death in any court proceeding. [HRS 338-13(b), 338-19] 1269661			
ANY ALTERATIONS INVALIDATE THIS CERTIFICATE			

LETTERS TESTAMENTARY

AFTER WILL IS PROBATED

EMILY H. KAWASHIMA, 6498-0
AAL, LLC

Electronically Filed
THIRD CIRCUIT
3CLP-23-[REDACTED]
30-JUN-2023
02:50 PM
Dkt. 62 LTEST

Attorney for
Petitioner

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

THE ESTATE) P. No. 3CLP-23 [REDACTED]
OF) (Formal)
[REDACTED]) LETTERS TESTAMENTARY
Deceased.)

LETTERS TESTAMENTARY

[REDACTED], Petitioner, being appointed as Personal Representative, is authorized to perform the duties of Personal Representative and to administer to the estate according to law and may act independently.

Restriction on Power: None.

These Letters Testamentary shall expire three (3) years from the date hereof, unless renewed for good cause.

BY ORDER OF THE HONORABLE HENRY T. NAKAMOTO, Judge of the above-entitled Court.

DATED: Hilo, Hawaii,

JUN 3 0 2023

~~1000~~ KIARA GOO
Clerk of the Above-Entitled Court

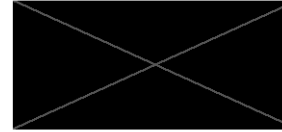
I do hereby certify that the foregoing is a full, true and correct copy of the official court record of the Courts of the State of Hawai'i.
Dated at Hilo, Hawai'i 30-JUN-2023, /s/ Cheryl Salmo, Clerk of the Third Judicial Circuit, State of Hawai'i



LETTERS OF ADMINISTRATION

No Will but a Personal
Representative is appointed

EMILY H. KAWASHIMA, 6498-0
AAL, LLC



Attorney for Petitioner
[REDACTED]

Electronically Filed
FIRST CIRCUIT
1CLP [REDACTED]
29-JUN-2023
03:29 PM
Dkt. 33 LOA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

THE ESTATE)	P. No. 1CLP [REDACTED]
)	(Formal)
OF)	
[REDACTED])	LETTERS OF ADMINISTRATION
[REDACTED])	
)	
DECEASED.)	

LETTERS OF ADMINISTRATION

[REDACTED] is hereby authorized to perform the duties of Personal Representative and to administer to the estate according to law.

RESTRICTION ON POWER: None.

EXPIRATION DATE: These Letters of Administration shall expire three (3) years from the date hereof, unless renewed for good cause.

BY ORDER OF THE HONORABLE R. MARK BROWNING, Judge of the above-entitled Court.

DATED: Honolulu, Hawaii, June 29, 2023.

/s/ S. Adams

Clerk of the Above-Entitled Court



I do hereby certify that the foregoing is a full, true and correct copy of the official court record of the Courts of the State of Hawai'i.
Dated at: Honolulu, Hawai'i 29-JUN-2023, /s/ Lori Ann Okita, Clerk of the First Judicial Circuit, State of Hawai'i



PETITION FOR INSTRUCTIONS

Please look out for this Petition which should include your Deceased Class Member's name

It will be mailed or emailed to those listed in the Petition

SCOTT C. SUZUKI, ATTORNEY AT LAW

SCOTT C. SUZUKI #8181
NICOLE C. EDWARDS-MASUDA #10287



Probate Special Counsel

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER

OF

THE KALIMA CLASS ACTION
SETTLEMENT TRUST DATED JUNE
23, 2023.

T. No. _____
(Trust Proceeding)

PETITION FOR INSTRUCTIONS #1;
EXHIBITS "A"-"P"

HEARING:

DATE: _____

TIME: 10:00 a.m.

JUDGE: Hon. R. Mark Browning

PETITION FOR INSTRUCTIONS #1

COMES NOW PETITIONER, SCOTT C. SUZUKI, ESQ., Probate Special Counsel in Kalima v. Hawaii, Civil No. 99-4771-12 LWC filed in the Circuit Court of the First Circuit, State of Hawaii (hereinafter "*Kalima*")¹, and hereby petitions this Court pursuant to H.R.S. §554D-201 and Hawaii Probate Rules 28, 29 and 126, for instructions as follows:

¹ Petitioner was appointed as Probate Special Counsel *Kalima* by that certain Joint Order Adopting Settlement Special Master's Findings and Recommendations and Appointing Probate Special Counsel filed therein on or about March 24, 2023.

**PUBLISHED IN STAR
ADVERTISER**

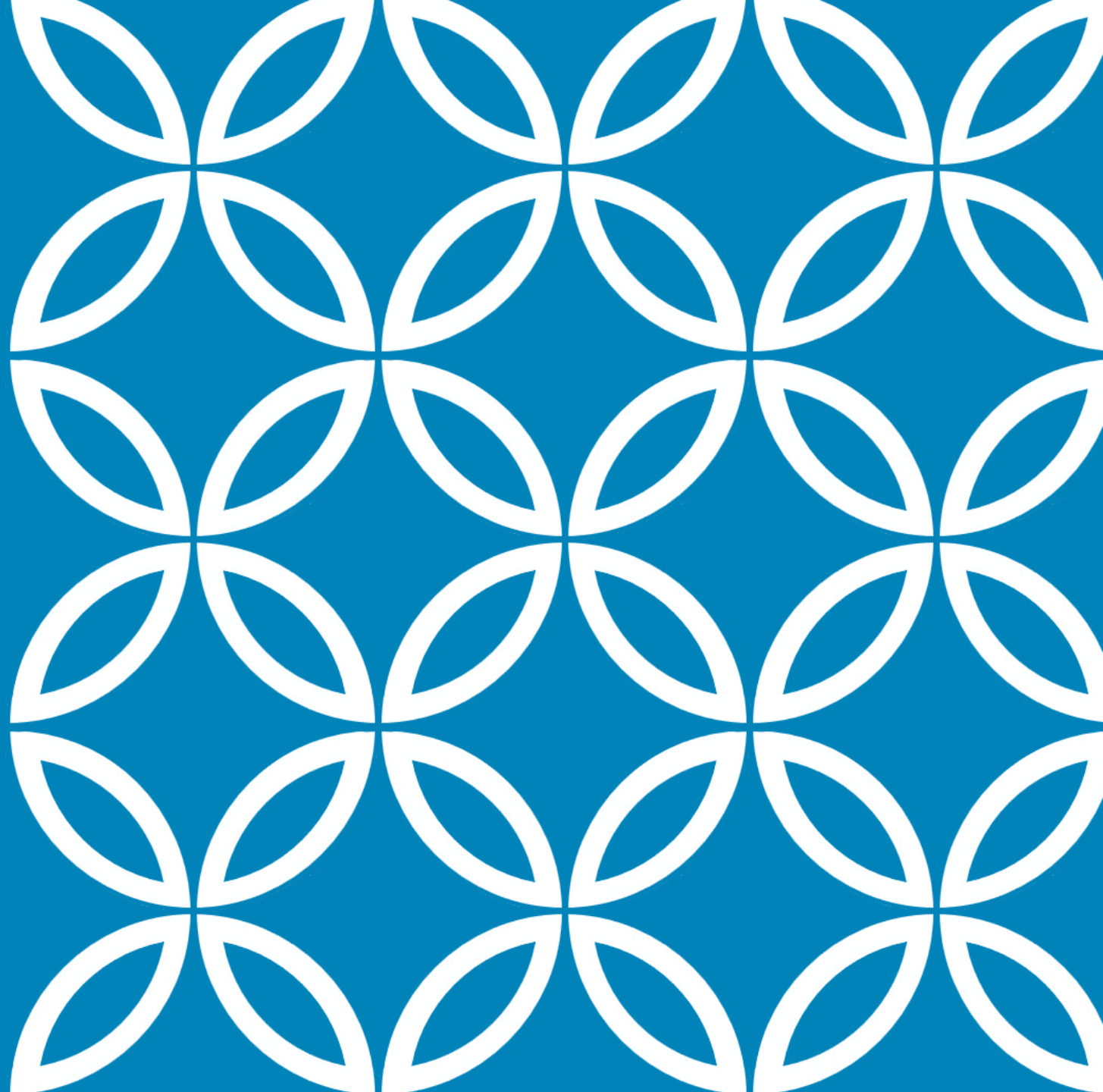
The outcome of this hearing may determine how the above-named Decedents' proceeds of the judgment in Kalima et al. v. Hawaii, Civil No. 99-4771-12 LWC, filed in the Circuit Court of the First Circuit, State of Hawaii, will be distributed. Parties

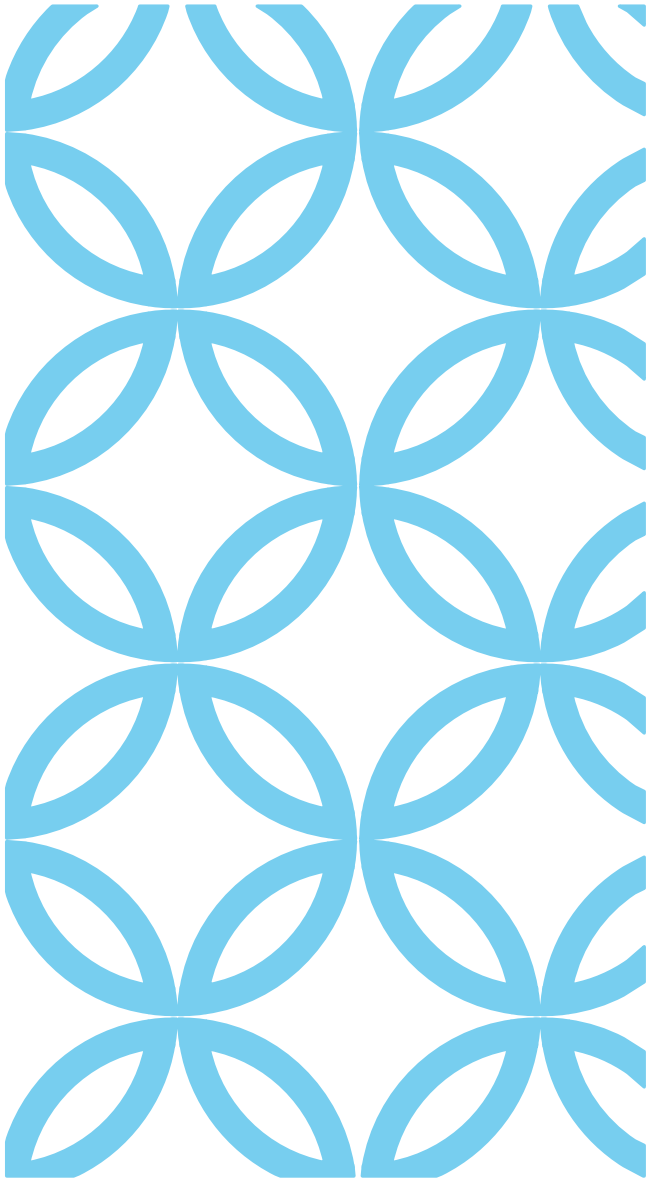
MEDIATION

If your family has a dispute about who the rightful heirs are, you will be referred to the Mediation Center of the Pacific for assistance resolving your dispute.

They will provide free assistance for up to 3 hours.

Once your dispute is resolved, you will be placed back in the probate plan





Contact the program's administrator regarding the family member's benefits immediately.

Certain public assistance programs, including, but not limited to, the Supplemental Nutrition Assistance Program (sometimes called "SNAP" or "food stamps"), subsidized housing/housing assistance (such as public housing or a voucher program sometimes called "Section 8"), some state-issued health insurance policies, some college tuition/grant programs, some Medicaid programs (sometimes known in Hawai'i as "Quest" or "Med-Quest"), some VA benefits, Social Security Disability Insurance, or Supplemental Security Income, **may be affected by receipt of a Settlement Payment.**

Special Needs Trust information is available from the Claims Administrator

PUBLIC ASSISTANCE



PROBATE PLAN FOR YOU