

**SCOTT C. SUZUKI, ATTORNEY AT LAW**

SCOTT C. SUZUKI #8181  
NICOLE C. EDWARDS-MASUDA #10287  
1013 Poha Lane  
Honolulu, Hawaii 96826  
Telephone: (808) 983-3850  
Facsimile: (808) 983-3851

Probate Special Counsel

**Electronically Filed  
FIRST CIRCUIT  
1CTR-23-0000142  
01-OCT-2024  
08:06 AM  
Dkt. 547 OGP**

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. 1CTR-23-0000142  
(Trust Proceeding)

ORDER GRANTING PETITION FOR  
INSTRUCTIONS #7

HEARING:

DATE: July 19, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.  
Castagnetti

**PLEASE NOTE CHANGES**

ORDER GRANTING PETITION FOR INSTRUCTIONS #7

The PETITION FOR INSTRUCTIONS #7 filed herein on April 11, 2024 (the "Petition"), came on for hearing on Friday, July 19, 2024, at 10:00 a.m., before the Honorable Jeannette H. Castagnetti, Judge of the above-entitled Court. 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*") appeared. EMILY H. KAWASHIMA, ESQ., Probate Special Master in *Kalima*, appeared.

The Court having reviewed the documents filed herein and having considered the representations of the parties, counsel, and good basis appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

A. Jurisdiction and venue are proper;

B. The PETITION FOR INSTRUCTIONS #7 is hereby granted, subject to the findings and recommendations of the Probate Special Master in the Probate Special Master's Report Re PETITION FOR INSTRUCTIONS #7 filed herein on or about ~~June 10, 2024~~ ~~May 16, 2024~~, the First Supplement thereto filed July 15, 2024, the Second Supplement thereto filed August 9, 2024, ~~the Third Supplement thereto filed August 28, 2024, and as orally amended at said hearing;~~ ~~cm~~

C. A basis exists for instructions regarding the administration of THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023;

D. The Trustee shall distribute the settlement proceeds derived from the Deceased Class Members' interests in *Kalima*, as described in the PETITION FOR INSTRUCTIONS #7 filed herein on ~~April 11, 2024~~ ~~March 18, 2024~~, from THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023, as recommended by the Probate Special Master, as follows: ~~cm~~

//

//

(A) **JEREMIAH NAONE**

CINDY K. KAAUAMO-NAONE - 100%.

(B) **EDWIN STEPHEN KALA'I**

LILIANA W. KALA'I, as Successor Trustee of the Edwin S. Kala'i Trust, dated August 10, 1990, as restated and amended - ALL (100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(C) **WILLIAM KALUAALII KALAKAU III**

WILLIAM KALAKAU IV - ONE-THIRD (1/3)  
DAMIEN KALAKAU - ONE-THIRD (1/3)  
DAYNA KALAKAU - ONE-THIRD (1/3)

(D) **SHIRLEYANN KAMELANI KALAMA**

JOHNNETTE K. DUARTE - ONE-FIFTH (1/5)  
JOHANNA K. GERONA - ONE-FIFTH (1/5)  
WANDA-MAE N. HOOPII - ONE-FIFTH (1/5)  
WALTON K. MAHOE - ONE-FIFTH (1/5)  
HOWELL K. MAHOE - ONE-FIFTH (1/5)

(E) **ALVIN M. KALEHUAWHEHE, SR.**

DEBRA MAHUNA, as Personal Representative of the Estate of ALVIN M. KALEHUAWHEHE SR. - ALL (100%) to be distributed in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate.

(F) **RODNEY KALIIOKALANI KAMALU**

DORA E. KAMALU, as Trustee of the Rodney K. and Dora E. Kamalu Family Revocable Trust, dated July 9, 2013 - ALL (100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(G) **RITA JOYCE KANEKO**

GARY ICHIRO KANEKO - First \$100,000, plus 1/2 of any balance  
JASON ROBBINS - 1/6 of balance  
CHAD KANEKO - 1/6 of balance  
DARREN KANEKO - 1/6 of balance

(H) **JOHN PAUL BREDE**

COLIN K.K. BREDE, TRUSTEE OF THE GLADYS S. BREDE REVOCABLE LIVING TRUST DATED MAY 6, 2013 - ALL (100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(I) **JUDY MAY LEILANI KANIAUPIO**

HERBERT KANIAUPIO, III - ONE-HALF (1/2)  
CHRIS KANIAUPIO - ONE-HALF (1/2)

(J) **WILLIAM KANIHO, JR.**

CHARLOTTE TORRES, Trustee of the William Kaniho, Jr. Revocable Living Trust dated May 10, 1994, as amended - ALL (100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(K) **DANIEL KANIHO SR.**

SHANNON AVEIRO - ONE-THIRD (1/3)  
SHANNETTE KALANIOPIO - ONE-THIRD (1/3)  
SHAYNEE KAAHILI - ONE-THIRD (1/3)

(L) **KENNETH KANIHO, SR.**

GARY KANIHO - ONE-FIFTH (1/5)  
GUY KANIHO - ONE-FIFTH (1/5)  
SHARON PETERSON - ONE-FIFTH (1/5)  
BLANCHE BATCHELDER - ONE-FIFTH (1/5)  
BRANDI KANIHO - ONE-TENTH (1/10)  
KAAINA KANIHO ONE-TENTH (1/10)

(M) **LORRAINE POLI KANIHO**

GARY KANIHO - ONE-FIFTH (1/5)  
GUY KANIHO - ONE-FIFTH (1/5)  
SHARON PETERSON - ONE-FIFTH (1/5)  
BLANCHE BATCHELDER - ONE-FIFTH (1/5)  
BRANDI KANIHO - ONE-TENTH (1/10)  
KAAINA KANIHO ONE-TENTH (1/10)

(N) **IRENE M. CORDEIRO-VIERRA**

RICHARD H.K. VIERRA, Trustee of the Revocable Trust of Irene M. Cordeiro-Vierra dated November 15, 1989 - ALL



(100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(O) **HAROLD EDWIN BERTELMANN**

This deceased class member shall be removed from the Petition for Instructions #7 in accordance with Paragraph F of the *Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings*, filed December 29, 2023 ("Omnibus Order") [Dkt. 12] and Provision XV of the *Probate Plan*, filed as Exhibit "A" to the Omnibus Order.

Upon resolution of the interested parties' dispute as it relates to the distribution of the Deceased Class Member's settlement proceeds, the interested parties shall notify the Probate Special Counsel to be included in a later Petition for Instructions.

(P) **MOSES SOO CHUN KAMANAOIO KIM, JR.**

LISA H. KUWASAKI KIM - 100%

(Q) **OCTAVIA MAIHILI CHUNG**

GLENN K. CHUNG and ESMOND K. CHUNG, Co-Trustees under the Octavia M. Chung Trust dated December 30, 1993 - ALL (100%) to be distributed by said Trustees in accordance with the provisions of the Trust.

(R) **EVELYN HALEAKALA KUAHIWI NANI 'O MAUI CHONG-MARTIN**

LAURA M. SHARPE - ONE-HALF (1/2)  
DAWN M. DELEON - ONE-HALF (1/2)

(S) **MOSES KAHAULELANI IOKUA**

MOSES IOKUA, JR. - 100%

(T) **BERTRAM LELE AKIONA**

BERNADETTE K. PARK - ONE-FIFTH (1/5)  
CARMELA A. BOZINA - ONE-FIFTH (1/5)  
GARRET M. AKIONA (also known as BERTRAM GARRET AKIONA) - ONE-FIFTH (1/5)  
ARNETT E. AKIONA - ONE-FIFTH (1/5)  
DEBRA M.G. RIOS - ONE-FIFTH (1/5)

E. Upon filing proof that the distributions set forth herein have been made, the aforesaid beneficiaries' interests in the Trust shall be fully satisfied and the Trustee shall have no further responsibility or liability with respect to such beneficiaries;

F. Fees to Probate Special Counsel, SCOTT C. SUZUKI, ESQ., in the amount of **\$14,687.00**, plus general excise tax (4.712%) thereon in the amount of **\$692.05**, plus costs in the amount of \$2,954.69, of which \$1,126.62 were paid from the Client Trust Account and **\$1,828.07** were advanced and can be reimbursed. The grand total to be paid to SCOTT C. SUZUKI, ESQ. is **\$17,207.12** and this amount is approved, to be paid in the manner set forth in the Probate Plan;

G. Fees to Probate Special Master, EMILY H. KAWASHIMA, ESQ., in the amount of **\$7,930.00**, plus general excise tax (4.712%) thereon in the amount of **\$373.66**, plus costs in the amount of **\$1,096.61**, for a grand total of **\$9,400.27** are approved, to be paid in the manner set forth in the Probate Plan; cm

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;  
SIGNATURE(S) TO FOLLOW]

H. There being no just reason for delay, judgment shall be entered herein pursuant to Rule 34(a) of the Hawaii Probate Rules and in the manner provided by Rule 54(b) of the Hawaii Rules of Civil Procedure.

DATED: Honolulu, Hawaii, OCT - 1 2024.

/s/ Jeannette H. Castagnetti



Judge of the Above-Entitled Court

APPROVED BY:

/s/ Emily H. Kawashima  
EMILY H. KAWASHIMA, ESQ.  
Probate Special Master

T. No. 1CTR-23-0000142 (Trust Proceeding); IN THE MATTER OF THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023; ORDER GRANTING PETITION FOR INSTRUCTIONS #7.