

MICHAEL F. BRODERICK #4366
1164 Bishop Street
Suite 928
Honolulu, HI 96813
Tel: (808) 783-2103
E-mail: info@broderickresolution.com

Electronically Filed
FIRST CIRCUIT
1CC990004771
15-APR-2024
02:33 PM
Dkt. 1966 STR

SPECIAL MASTER

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

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

Plaintiffs,

vs.

STATE OF HAWAI'I, STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME
LANDS; et al.,

Defendants.

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

FIRST INTERIM REPORT OF THE
SPECIAL MASTER; EXHIBITS 1-3;
CERTIFICATE OF SERVICE

HON. LISA W. CATALDO

HON. JEANETTE H. CASTAGNETTI

SETTLEMENT JUDGE:
HON. GARY W.B. CHANG

FIRST INTERIM REPORT OF THE SPECIAL MASTER

Pursuant to Haw. R. Civ. Pro. 53 and the July 26, 2022 *Stipulation Regarding Appointment of Settlement Special Master and Order* (the "Appointment Order") [Dkt. 1509], appointing the Special Master in this case for the purposes set forth in the Court's June 9, 2022 *Order Granting Plaintiffs Motion For: (1) Preliminary Approval of Class Action Settlement; (2) Certification of Settlement Class; (3) Decertification of Subclasses 1-4 and 6; (4) Appointment of Class Representatives and Appointment of Class Counsel; (5) Appointment of Settlement Special Master; (6) Appointment of Claims Administrator; (7) Approval of Plan of Notice and*



Scheduling of Fairness Hearing (the “Preliminary Approval Order”) [Dkt. 1496], Special Master Michael F. Broderick submits his First Interim Report to the Court regarding the Claims Administration process as follows:

I. INTRODUCTION

The purpose of this Interim Report is to summarize past and future actions to implement the August 1, 2023 *Order Granting Final Approval of Class Action Settlement and Motion for Attorneys’ Fees* [Dkt.1844]¹ (“Order Granting Final Approval”), the August 1, 2023 *Second Amended Payment Distribution Plan and Order* [Dkt. 1842] (“Payment Distribution Plan”), and the June 13, 2023 *Joint Order Approving Probate Plan and Qualified Settlement Trust* [Dkt.1693] (“Probate Plan”).

II. PAST ACTIONS AND EVENTS

A. Special Master Supervision of Payment Distribution Plan and Probate Plan Implementation

Since August 1, 2023, I have supervised the implementation of the Payment Distribution Plan and Probate Plan. In this role, I communicate regularly with Class Counsel, the Claims Administrator, the Probate Special Master, and the Probate Special Counsel through regular weekly and/or bimonthly meetings, additional conferences, and e-mail. I evaluate, assess, and, if necessary, recommend changes to the Payment Distribution Plan and Probate Plan procedures to

¹ Order Granting Final Approval, ¶7.e. at 11: “The Special Master [shall]...[m]ake periodic or final reports to the Court as ordered or as needed.”

Order Granting Final Approval, ¶8.e at 11: “The Probate Special Master [and] Probate Special Counsel [shall]]...[m]ake periodic or final reports to the Court as ordered or as needed.”

ensure settlement payments are timely and accurately made to living class members and relatives of deceased class members and are processed according to the Plans.

Under my direction, the Claims Administrator, Class Counsel, Probate Special Master, and Probate Special Counsel have continued outreach to living class members and relatives of deceased class members through updates to the Kalima-Lawsuit.com website, updates to the interactive scripts for telephone operators, intake forms, recorded messages used by the Claims Administrator, monthly Attorney Talk Story Zoom Sessions and article publication on the Department of Hawaiian Home Land website and the Office of Hawaiian Affairs publication *Ka Wai Ola*.

The Kalima-Lawsuit website and the Attorney Talk Story sessions were important tools to explain the delays in distribution that occurred because of the August 17, 2023 appeal and October 9, 2023 writ for mandamus filed by Rickey T. Rivera. After my review and approval, Class Counsel sent a letter to class members on October 10, 2023, explaining the appeal, writ, and expected delays. On October 26, the Hawai'i Supreme Court, with remarkable speed and clarity, resolved the appeal and mandamus petition, rejecting Mr. Rivera's claim completely. The court's published opinion was posted on the Kalima-Lawsuit website along with Class Counsel's letter and relevant pleadings.

After remand, the settlement funds transfer was completed pursuant to this Court's order. Payments to living Class Members began as soon as practicable on November 21, 2023. Payment distribution has been efficient and successful, and communication with living Class Members and families of deceased Class Members has been very active.

As summarized in the Claims Administrator's Key Administrative Statistics table contained in Exhibit 1 (*Epiq Class Action & Claims Solutions Summary Report Regarding*

Notice Administration)("Epiq Report"), outreach activity by the Claims Administrator has been extremely robust. Since July 2023, Epiq has received 10,198 emails and sent out 3,110 emails. There have been 11,711 calls received and 5,519 outgoing calls totaling 37,459 minutes (624 hours). There have been 44,875 unique visits to the settlement website, Kalima-Lawsuit.com. Exhibit 1: Epiq Report at 2.

B. Claims Administrator's Implementation of Payment Distribution Plan

The Claims Administrator's actions to implement the Payment Distribution Plan are described in the Epiq Report, which includes data I requested and considered important for the Court's information. The Report summarizes the Claims Administrator's communications with Class Members and families of deceased Class Members, as well as the substantial ongoing efforts to locate and identify potential heirs of deceased Class Members. The Report includes the following: (1) Statistical Data on Contact with Class Members, (2) Payments to Living Class Members, (3) Efforts to Locate Living Class Members, (4) Probate Notice, (5) Efforts to Locate Relatives of Deceased Class Members, (6) Future Efforts to Locate Living Class Members and Relatives of Deceased Class Members, (7) a Financial Accounting of the Qualified Settlement Trust, and (8) Disbursements to Heirs of Deceased Class Members.

In addition to this summary report, the Claims Administrator provides detailed weekly Client Activity Reports, which report passive and active interactions with Class Members and potential heirs. Class Counsel and I review these reports with the Claims Administrator in our weekly and bi-monthly meetings and as they are received. A copy of the March 31, 2024, Client Activity Report is attached as Exhibit B to the Epiq Report as an exemplar. The Client Activity Reports show cumulative statistics for mailings, e-mailings, and Interactive Voice Recording

("IVR") that provides basic information to callers and allows them to leave a call-back number, call center contacts, and website contacts and downloads.

The payment process has been efficient and successful. Based on the number of requests for reissues and discovery of corrected or new addresses, only a very small number of living Class Members have a check that is currently considered to be undeliverable - approximately 58 living Class Members or 4.4% of the 1,303 checks. Compared to a typical class action settlement, Epiq reports this undeliverable rate is lower than average. Epiq continues to research to determine possible means of delivery to living Class Members who have yet to be located using available resources.

As shown in Exhibit 1, settlement checks totaling \$187,010,795.07 have been sent to 1,303 living class members. 1,117 checks totaling \$167,947,099.79 have been cashed. There are 125 checks totaling \$18,913,369.66 that have not been cashed. Most of these checks are in the process of reissue due to name changes, name corrections, and issues with delivery. Epiq continues to attempt to contact class members whose checks have not been cashed, and the stale date for the original mailing has been extended 30 days to accommodate delays in deposit. For any checks where a Class Member requests a reissue, Epiq will void the initial check and reissue a new one pending the receipt of documentation that supports the reason for the reissue request.

Notwithstanding claims administration challenges such as the age of the population and a class period of over 65 years, Epiq has informed us that the check cashing rate is greater than typical class action settlements and comparable to similar class action settlements that have fewer claims administrative challenges. Based on Epiq's representations, it is my hope that very few checks to living Class Members will remain uncashed.

C. Probate Special Master Reports

The *Probate Special Master's Report Re: Petition For Instructions #1*, filed On January 2, 2024 [Dkt.74]² is attached as Exhibit “2” and the *Probate Special Master's Report Re: Petition For Instructions #2*, Filed On January 19, 2024 [Dkt.111], *First Supplement To Probate Special Master's Report Re: Petition For Instructions #2*, Filed On January 19, 2024 [Dkt.114], and *Second Supplement To Probate Special Master's Report Re: Petition For Instructions #2*, Filed On January 19, 2024 [Dkt. 133] are attached as Exhibit “3”.

The Probate Special Master's Reports each time present the Probate Court with approximately twenty individual probate petitions for resolution by the Probate Court. The hearing of the first petition was held on March 15, 2024. This ongoing process is expected to take approximately 20 to 30 months to complete, i.e., November 2025 to August 2026.

At the suggestion of Probate Judge Jeannette H. Castagnetti, Probate Special Master Emily Kawashima and Probate Special Counsel Scott Suzuki are reviewing options to further expedite the probate plan with possible amendments to the current schedule or process.

Information Request Forms (IRF), which identify family representatives and potential heirs and devisees, have been received by the Claims Administrator from 815 relatives of deceased Class Members. There are approximately 405 deceased Class Members' families for whom Information Request Forms have not been received. Of the 405 deceased class members without an IRF, Epiq has identified one or more relatives for 333 deceased class members. On March 22, 2024, these 333 were sent a “plain language” letter asking them to contact Epiq, attached as Exhibit D to the Epiq Report. There are 72 deceased class members for whom Epiq has neither an Information Request Form nor has had any contact with relatives.

² *In The Matter of the Kalima Class Action Settlement Trust Dated June 23, 2023*, T. No. 1CTR-23-0000142 (First Cir. Ct.).

D. Distribution Plan and Probate Plan Budget and Budget Projections

The Epiq Report outlines all the costs expended to date, segregated into claims administration costs for the class as a whole and claims administration costs for probate matters. The budget projections previously presented to the Court are still accurate.

Per the *Second Amended Payment Distribution Plan* filed on August 1, 2023, Epiq estimated Claims Administration costs to total \$2,073,043.78. As of February 29, 2024, incurred costs total \$1,291,522.09, and projected costs through December 31, 2024, are estimated to total \$500,000.³ This leaves a balance of \$281,521.69 before accounting for earned interest on the funds currently held in the Qualified Settlement Trust (“QST”). Additionally, Epiq estimates that current and estimated future Earned Interest gained from the balance of living Class Member’s awards will total \$1,158,390.07. Accounting for an estimated tax deduction of \$143,070.06, Epiq estimates a remaining balance available for other disbursements of \$1,296,841.70 after all financial commitments noted above are met.

As of March 31, 2024, the fund set aside for deceased Class Members’ awards has a balance of \$98,549,782.03⁴. This balance includes a total of \$1,574,782.03 in earned interest, and Epiq estimates future earned interest through December 31, 2024, to total \$2,743,000. Accounting for a deduction of estimated taxes totaling \$1,301,579.35, the projected balance of the total interest earned through December 31, 2024, is \$3,016,202.68.

In coordination with the Probate Special Master and Probate Special Counsel, Epiq has estimated the costs (inclusive of Probate Special Master and Probate Special Counsel fees) to

³ At the time of the execution of this report, the invoice for March 2024 had not yet been finalized.

⁴ Total value of awards to be paid is \$98,681,823.49; Principle transferred plus interest earned to date totals \$98,549,782.09. \$1,706,823.49 was set aside for unanticipated probate fees.

administer the awards to deceased Class Members to total \$2,857,752.62. The probate costs associated with administering deceased Class Members' awards are estimated to be approximately 2.9% per award, before accounting for earned interest.

III. FUTURE ACTIONS AND EVENTS

A. Uncashed Checks

Settlement checks were issued with a 120-day "stale date." Pursuant to my direction, these checks will continue to be honored after the "stale date" for an additional 30 days, pending additional reasonable efforts to notify class members to cash the checks.

B. Locating Living Class Members and Deceased Class Member Relatives

There are two pending actions currently being implemented to obtain additional information for the 58 living class members and relatives of 405 deceased class members who have not been located: (1) The State of Hawai'i's search for additional contact information using Westlaw and LexisNexis and (2) Epiq's direct mailing to 333 potential relatives. Pending the results of these efforts, additional steps will be considered in the future.

IV. CONCLUSION

This concludes my First Interim Report. Please inform me if I can be of further service or if the Court requires or requests any additional information.

DATED: Honolulu, Hawai'i, April 15, 2024.

/s/ Michael F. Broderick
Hon. Michael F. Broderick (Retired)
SPECIAL MASTER

EXHIBIT “1”

First Interim Report of the Special Master



Epiq Class Action & Claims Solutions
Summary Report Regarding Notice Administration and Payment Distribution

Epiq Class Action and Claims Solutions (“Epiq”) has prepared this Interim Report pursuant to the requirements of the *Order Granting Final Approval of Class Action Settlement and Motion for Attorney’s Fees* [Dkt. 1844] dated August 1, 2023, the *Second Amended Payment Distribution Plan and Order* [Dkt. 1842] dated August 1, 2023, the *Joint Order Approving Probate Plan and Qualified Settlement Trust* [Dkt. 1617] dated June 13, 2023, and the Epiq Class Action & Claims Solutions Summary Report Regarding Notice Administration dated July 13, 2023 (attached as Exhibit A).

This report summarizes 1) Statistical Data on Contact with Class Members, 2) Payments to Living Class Member, 3) Efforts to Locate Living Class Members, 4) Probate Notice, 5) Efforts to Locate Relatives of Deceased Class Members, 6) Future Efforts to Locate Living Class Members and Relatives of Deceased Class Members, 7) a Financial Accounting of the Qualified Settlement Trust¹, and 8) Disbursements to Heirs of Deceased Class Members.

I. Statistical Data on the Living Class Member Disbursement and Contact with Class Members

Below are select statistics summarizing 1) the Disbursement to Living Class Members, and 2) Incoming and Outgoing Communications, Call Center Support and Website data.

¹ The Qualified Settlement Trust is also known as the Kalima Class Action Settlement Trust dated 6/23/23.

| DISBURSEMENTS TO LIVING CLASS MEMBERS | | |
|--|--------------|---------------------|
| Category | Count | Dollar Value |
| Initial Payments Sent | 1,303 | \$187,010,795.07 |
| Reissued Payments | 159 | \$25,618,382.83 |
| Payments Negotiated | 1,177 | \$167,947,099.79 |
| Payments Non-Negotiated ² | 126 | \$19,063,695.28 |
| Outstanding Payments | 68 | \$9,745,123.99 |
| Undeliverable Payments | 58 | \$9,318,571.29 |

| OTHER KEY ADMINISTRATION STATISTICS | | |
|--|--|--------------|
| Category | Statistic | Count |
| Notice | Total Probate Notices Mailed | 2,602 |
| Notice | Total Plain English Letters Mailed to Potential Relatives | 1,172 |
| Telephone | Number of Calls Received on the Toll-free Line | 11,711 |
| Telephone | Number of Incoming Voice Messages | 7,117 |
| Telephone | Number of Outgoing Calls Made by Call Center | 5,519 |
| Telephone | Minutes Spent by Call Center Operations Making Outgoing Calls to Class Members | 37,459 |
| Website | Unique Visits to Kalima-Lawsuit.com Website | 44,875 |
| Website | Kalima-Lawsuit.com Website Pages Viewed | 86,997 |
| Correspondence | Total Information Request Forms Received from Living Class Members | 103 |
| Correspondence | Total Information Request Forms Received from Deceased Class Member's Relatives | 1,213 |
| Correspondence | Total Family Information Request Forms Received from Deceased Class Member's Relatives | 945 |
| Correspondence | Probate Documents Received | 478 |

² Of the 126 payments non-negotiated as of March 31, 2024, 12 are currently in process of being reissued. Payments Non-Negotiated = Outstanding Payments plus Undeliverable Payments.

| OTHER KEY ADMINISTRATION STATISTICS (Cont.) | | |
|---|-----------------|--------|
| Category | Statistic | Count |
| Correspondence | Emails Received | 10,198 |
| Correspondence | Emails Sent | 3,110 |

See Exhibit “B”: March 31, 2024, Client Activity Report. Statistics date range is from July 1, 2023, to March 31, 2024.

II. Payments Made to Living Class Members

Starting on November 21, 2023, Epiq began disbursing claims payments to living Class Members. The disbursement to living Class Members totaled \$187,010,795.07 for 1,303 checks. For awards less than \$25,000 or being sent to a PO Box, Epiq sent checks via USPS Priority Mail. For awards greater than \$25,000 and being sent to a street address, Epiq sent checks via USPS Priority Mail with adult signature required. Both mailing types allowed Epiq to track the payment. That tracking information also was provided to Class Members upon request.

Through March 31, 2024, Epiq has received 226 undeliverable returned checks from the initial disbursement.³ For all checks returned to Epiq as undeliverable, a “skip-trace” search using a third-party vendor, Transunion, was performed to determine if an updated address could be found. Since the initial disbursement commenced, Epiq has undertaken approximately 129 undeliverable searches to locate updated addresses for the undeliverable records. When a Class Member requested a check reissue, because of name change, misspelling, or other issue, Epiq voided the initial check and reissued a new check upon receipt of a written request for reissue and return of the original check accompanied by appropriate identification. Requested reissues

³ The count of undeliverable checks includes checks which have been reissued and which have been returned as undeliverable.

and reissues of previously undelivered checks from the initial disbursement are still ongoing as of April 15, 2024.

The most recent check reissue cycle occurred on April 9, 2024, and Epiq anticipates mailing an additional batch of checks on April 17, 2024. Epiq will continue to reissue checks from the initial disbursement as updated addresses are found or communicated to us by Class Members, through a date determined by Class Counsel.

Under the Settlement Agreement and Payment Distribution Plan, checks were to expire and become void on March 20, 2024, which is 120 days after issuance. To permit these checks to be cashed without incurring undue additional administration costs, after consultation with the Special Master and Class Counsel, these checks will continue to be honored for an additional 30 days with additional reasonable efforts being taken to notify class members to cash the checks.

Based on how successful Epiq has been handling requests for reissues and locating corrected or new addresses, only a very small number of 58 living Class Members (approximately 4.4% of the population) have a check that is currently considered to be undeliverable. Compared to a typical class action, this undeliverable rate is better than average.

Notwithstanding administrative challenges complicating delivery of payments, such as the demographics of the class, as well as a lengthy class period of over 65 years, the check cashing rate on this matter is greater than most class action settlements.

III. Efforts to Locate Living Class Members

Since November 21, 2023, Epiq has engaged in the following activities to contact living Class Members who have not negotiated their awards or with whom Epiq has had no contact, including obtaining information request forms.

| Efforts Made to Locate Living Class Members | |
|--|-----|
| Calls Made | 801 |
| Outgoing Mailings | 16 |
| Emails Sent or Received | 693 |
| Documents Received | 142 |
| TransUnion Searches ⁴ | 129 |

The request for updated contact information has been a key goal for each round of notice that has been sent since the initial notice was sent in July 2022. The extra efforts noted above to contact living Class Members after an initial disbursement are atypical, uncommon, and extraordinary compared to other class action settlements. As of March 31, 2024, there are only 58 living Class Members to whom Epiq has mailed a check that remains undeliverable. Epiq continues to engage in all reasonable efforts to locate correct addresses and reissue these checks.

In addition to pursuing other forms of private commercial research to locate living Class Members, Class Counsel have asked the Attorney General’s Office to utilize its specialized internal programs to assist in these efforts. Currently, the Attorney General’s Office has represented that a charge would be incurred for use of one of these tools and that the other could be used free of charge but requires the Attorney General’s approval. Class Counsel have requested that approval be given and that any charges be borne by the State, per paragraph VIII.A.3 of the Settlement Agreement which mandates that Defendants shall:

3. Support Plaintiffs’ or the Claims Administrator’s requests to the Court for an

⁴ The count of TransUnion searches includes individual Class Member queries, and searches for updated information for multiple living Class Members. Epiq will also perform searches to confirm all social security numbers match names of all class members eligible for payment.

order under section 338-18, Hawai'i Revised Statutes, or other state law in seeking records from the Hawai'i Department of Health **or other agency to provide Plaintiffs and the Claims Administrator information reasonable and necessary to advance the resolution of the payment of claims, including maintaining and updating the list of all deceased class members.**

Epiq has been informed by Class Counsel that the Court may be asked to join the discussion regarding use of these tools in a confidential process under the Attorney General's direction and control to locate living Class Members who cannot otherwise be found.

IV. Probate Notice

On December 4, 2023, Epiq mailed the Probate Notice to 1,211 unique deceased Class Members' addresses or to the addresses given by their representatives. Attached hereto as Exhibit "C" is a template of the Court-approved First Notice to Heirs and Devisees of Deceased Class Members (Probate Notice).

V. Efforts to Locate Relatives of Deceased Class Members

Since November 21, 2023, Epiq has engaged in the following activities to locate relatives of Deceased Class Members.

| Efforts Made to Locate Relatives of Deceased Class Members | |
|---|-------|
| Calls Made | 1,158 |
| Outgoing Mailings Sent | 40 |
| Emails Sent or Received | 1,223 |
| Documents Received via Mail | 2,059 |

As a result of the limited information collected from these activities, the parties agreed that a notice was to be sent to potential relatives of Deceased Class Members. The potential relatives were found using a relative search from a third-party vendor, Transunion. On March 22, 2024, Epiq sent the Letter to Family Members or potential heirs of deceased Class Members (Plain English Letter) to 341 unique deceased Class Member records. Attached hereto as Exhibit “D” is a template of the Court-approved Plain English Letter.

As of March 31, 2024, there are:

- 405 deceased Class Members for whom Epiq has not received an Information Request Form;
- 333 deceased Class Members for whom Epiq has not received an Information Request Form, but we have identified one or more potential relatives;
- 72 deceased Class Members for whom Epiq has neither a family representative nor any relatives.

VI. Future Efforts to Locate Living Class Members and Relatives of Deceased Class Members

Pursuant to Section 9 of the Order Granting Final Approval of Class Action Settlement and Motion for Attorney’s Fees dated August 1, 2023, Epiq will continue to operate under the direction of the Settlement Special Master, and with the oversight of the Trustee of the Kalima Class Action Settlement Trust (the “Trustee”), to engage in follow-up activities to ensure that settlement payments are distributed to living class members as well as operate under the direction of the Probate Special Master to ensure that settlement payments are distributed to the estates of Deceased Class Members.

VII. Financial Accounting

Per the *Second Amended Payment Distribution Plan* filed on August 1, 2023, Epiq estimated the total Claims Administration Costs to total \$2,073,043.78. As of February 29, 2024, incurred costs total \$1,291,522.09, and projected costs through December 31, 2024, are estimated to total \$500,000.00.⁵ Before earned interest, Claims Administration Costs are \$281,521.69 less than the original estimate. Additionally, Epiq estimates that current and estimated future Earned Interest gained from the balance of living Class Member's awards will total \$1,158,390.07. Accounting for an estimated tax deduction of \$143,070.06, Epiq estimates a remaining balance of \$1,296,841.70 after all financial commitments noted above are met.

As of March 31, 2024, the fund set aside for deceased Class Member's awards has a balance of \$98,549,782.03.⁶ This balance includes a total of \$1,574,782.03 in earned interest, and Epiq estimates future earned interest through December 31, 2024, to total \$2,743,000.00. Accounting for a deduction of estimated taxes totaling \$1,301,579.35, the projected balance of the total interest earned through December 31, 2024, is \$3,016,202.68.

In coordination with the Probate Special Master and Probate Special Counsel, Epiq estimates the costs to administer the awards to deceased Class Members to total \$2,857,752.62. The probate costs associated with administering deceased Class Members' awards is estimated to be approximately 2.9% per award on average, before accounting for earned interest.

VIII. Disbursements to Heirs of Deceased Class Members

⁵ At the time of the execution of this report, the invoice for March 2024 had not yet been finalized.

⁶ Total value of awards to be paid is \$98,681,823.49; Principle transferred plus interest earned to date totals \$98,549,782.09. \$1,706,823.49 was set aside for unanticipated probate costs.

Epiq is collaborating with Class Counsel, the Settlement Special Master, the Probate Special Master, the Probate Special Counsel, and the Trustee to establish the most efficient process to disburse funds to those heirs and designees as ordered by the Probate Court. As of April 15, 2024, these payments have not yet commenced. Epiq's next interim report will provide additional details on this phase of the settlement, including the method by which costs will be calculated and allocated, or as ordered by the Court.

I declare under penalty of perjury under the laws of the United State and the State of Hawai'i that the foregoing is true and correct.

/s/ Robert Coomes

Robert Coomes
Senior Project Manager
Epiq Class Action & Claims Solutions, Inc.

Statement from the Trustee of the Kalima Qualified Settlement Trust

I have reviewed this Summary Report Regarding Notice and Distribution and confirm that the administration and distribution of settlement funds from the Kalima Class Action Settlement Trust have been handled with appropriate due diligence and in compliance with the Order Granting Final Approval, the Second Amended Probate Plan, as well as Article 1.5 of the Kalima Class Action Settlement Trust.

Sylvius von Saucken

Signer ID: XT1DFI9W11...

Sylvius von Saucken, Trustee
Kalima Class Action Settlement Trust dated
6/23/23
Epiq Class Action & Claims Solutions, Inc.

Exhibit A



Epiq Class Action & Claims Solutions
Summary Report Regarding Notice Administration

Epiq Class Action and Claims Solutions (“Epiq”) has prepared this report to 1) summarize Notices sent to Class Members and Family Representatives; 2) provide statistical data on contact with Class Members and Family Representatives; 3) summarize Exclusions by the class; 4) report on the receipt of Declarations of Support of Settlement and Requests for the Opportunity to be Heard; 5) outline payment distribution and return procedures, and 6) provide an outline for follow-up procedures for checks not negotiated and Class Members for whom there has been no contact.

I. Summary of All Notices

Epiq provided the following notices pursuant to the Notice Plan contained in the Order Granting Preliminary Approval:

| FIRST NOTICE | | |
|---------------------|--|--------------|
| Date | Document Sent | Count |
| 7/5/22 | Postal Notices | 2,669 |
| 7/11/22 | Email Notices | 1,895 |
| 8/24/22 | Postal Notices to Prior Opt Outs | 25 |
| 8/24/22 | Postal Notices to Prior Settled Claims | 31 |
| 9/22/22 | Postal Notices to Updated Addresses | 266 |

| SECOND NOTICE | | | |
|----------------------|--|--------------|-----------------------------|
| Date | Document Sent | Count | Deadline¹ |
| 1/17/23 | Postal Notices to Prior Opt Outs or Settled Claims | 56 | 4/3/23 |
| 1/31/23 | Postal Notices to Claims Eligible for Payment | 2,555 | 4/3/23 |
| 1/31/23 | Postal Notices to Construction Claims Eligible for Payment | 103 | 4/3/23 |
| 1/31/23 | Postal Notices to Claims Ineligible for Payment | 202 | 4/3/23 |

¹ This is the deadline to submit corrections or additional documentation.

| CORRECTED SECOND NOTICES | | | |
|---------------------------------|--|--------------|-----------------|
| Date | Document Sent | Count | Deadline |
| 3/10/23 | Postal Corrected Notices to Prior Settled Claims | 18 | 3/17/23 |
| 3/10/23 | Postal Corrected Notices to Prior Opt Outs | 21 | 3/17/23 |
| 3/10/23 | Postal Corrected Notices to Triplicate Claims | 14 | 4/3/23 |
| 3/14/23 | Postal Corrected Notices to Incorrect Start and/or End Dates | 454 | 4/3/23 |

| SECOND NOTICE RESPONSES | | | |
|--------------------------------|---|--------------|-----------------------------|
| Date | Document Sent | Count | Deadline² |
| Varies | Claim Date Correction Forms Received | 210 | Varies |
| Varies | Objections to Award Date Decisions Received | 15 | Varies |

| CLAIM ELIGIBILITY UPDATES | | | |
|----------------------------------|--|--------------|-----------------|
| Date | Document | Count | Deadline |
| 4/18/23 | Postal Notices to Class Members Ineligible for Payment | 5 | 6/1/23 |
| 5/9/23 | Postal Notice to Class Member Ineligible for Payment | 1 | 6/19/23 |
| 5/16/23 | Postal Notice to Class Member Ineligible for Payment | 1 | 6/26/23 |
| 6/14/23 | Postal Notices to Class Members Ineligible for Payment | 22 | 7/6/23 |
| 6/29/23 | Postal Notices to Class Members Ineligible for Payment | 3 | 7/6/23 |
| 6/30/23 | Postal Notice to Class Member Eligible for Payment | 1 | 7/14/23 |

| THIRD NOTICE | | | |
|---------------------|--|--------------|-----------------|
| Date | Document | Count | Deadline |
| 6/13/23 | Postal Notices to Class Members Eligible for Payment | 2,518 | 7/6/23 |
| 6/20/23 | Postal Notices to Class Members Ineligible for Payment | 287 | 7/14/23 |

II. Statistical Data on Contact with Class Members

As of June 30, 2023, Epiq has mailed the First and/or Second Notice to 2,797 unique records, of which 114 unique records are undeliverable. Prior to each mailing, Epiq performed address searches against the National Change of Address (“NCOA”) database to check for updated addresses. Additionally, where a Notice from the First or

² At the direction of the Settlement Special Master, Epiq accepted corrections beyond the deadlines stated up to and including June 14, 2023.

Second Notices was returned as undeliverable, Epiq performed skip trace searches using a third-party service, to seek additional address updates to remail these notices. As a result of these efforts, this is a deliverable rate of 95.92%.

As of June 30, 2023, Epiq has mailed a total of 2,514 Third Notices (reduced from 2,518 through the correction process) to unique Class Member records that were known then to be eligible for an award. Notices were sent to the 1,349 Living Class Members to representatives or the last known addresses of the 1,165 Estates of Deceased Class Members. Of the Third Notices sent to Class Member records eligible for an award, 7 unique Class Member records are currently known to be undeliverable. This is a deliverable rate of 99.7%.

Information Requests Forms have been collected since the First Notice was sent. Epiq has received 827 Information Request Forms from 672 Living Class Members (approximately 49%) eligible for an award. Epiq has received 654 Information Request Forms from relatives or representatives of 480 Deceased Class Members (approximately 41%) eligible for an award.

Additionally, Epiq has had direct contact (phone calls, postal or email correspondence) with 1,880 members or their representatives. This represents a 67.21% contact rate with the Class.

Epiq is maintaining a toll-free interactive Voice Response Unit “VRU” to provide information and accommodate inquiries from Settlement Class Members. Callers also have the option of leaving a voicemail for a call center representative to call them back. As of June 30, 2023, there were 14,414 total calls to the toll-free number representing 16,474 minutes, and call center representatives have handled 3,730 outbound calls representing 21,485 minutes of use.

Epiq is maintaining a dedicated mailbox and email inbox, info@kalima-lawsuit.com, for Settlement Class Members to submit documents and ask and receive answers to questions regarding the Settlement. As of June 30, 2023, Epiq has received 106 letters, sent 161 letters in response to Class Member questions, received 6,016 incoming emails, and sent 1,233 emails in response to Class Member questions.

Epiq is maintaining a website with information about the settlement, including important documents, copies of all notices sent, and information request forms.

As of June 30, 2023, the settlement website had 30,058 unique visitors and 72,156 website pages have been viewed. See Exhibit “1”: June 30, 2023 Client Activity Report.

| ADDITIONAL KEY NOTICE STATISTICS³ | | |
|---|--|--------------|
| Category | Statistic | Count |
| Notice | Living Class Members whose Notice was Undeliverable | 32 |
| Notice | Deceased Class Members whose Notice was Undeliverable | 82 |
| Notice | Living Class Members for whom no contact occurred | 667 |
| Notice | Deceased Class Members for whom no contact occurred | 250 |
| Telephone | IVR Calls Received | 14,414 |
| Telephone | IVR Minutes | 16,474 |
| Telephone | Voicemails Received | 4,217 |
| Telephone | Outgoing Calls | 3,730 |
| Telephone | Outgoing Operator Minutes | 21,485 |
| Website | Unique Website Visitors | 30,058 |
| Website | Website Pages Viewed | 72,156 |
| Correspondence | Total Information Request Forms – Living Class Members | 888 |
| Correspondence | Total Information Request Forms – Deceased Class Members | 695 |
| Correspondence | Emails Received | 6,016 |
| Correspondence | Emails Sent | 1,233 |

III. Class Claims, No Claims, Settled and Opt Out

These are Class Claims, No Claims, Settled and Opt Out as of the date of this Report.

| Category | Count |
|-------------------------|--------------------------|
| Claim - Living | 1,349 |
| Claim - Deceased | 1,165 |
| No Claim | 227 |
| Settled | 30 |
| Opted-Out | 28 |
| Total | 2,799⁴ |

³ Notice statistics are through June 30, 2023.

⁴ We have been informed by Class Counsel that additional Payment Recipients were added as a result of the addition of 1) two claims listed on one Hawaiian Claims Office

IV. Report on Statements of Support & Requests to Be Heard

Epiq has received 115 Statements of Support as of the July 6, 2023 deadline. These Statements of Support are attached as Exhibit “2”.

Epiq has received 6 requests for an opportunity to be heard at the Final Approval Hearing as of the July 6, 2023 deadline. These requests are listed in Exhibit “3”.

V. Payment and Distribution and Return Procedures

Epiq is informed of the requirements of the Settlement Agreement⁵ and Payment Distribution Plan for payment procedures. Epiq will commence the disbursement of awards starting September 1, 2023, unless there are any appeals to the Settlement. For awards less than \$25K, Epiq will send checks via First Class USPS. For awards greater than \$25K, Epiq will confer with Counsel on a mail service (Priority USPS, UPS or FedEx) which offers tracking and signature requirements. For any checks returned to Epiq as undeliverable, a “skip-trace” search using a third party vendor, Transunion, will be performed to determine if an updated address can be found. For any checks where a Class Member requests a reissue, Epiq will void the initial check and reissue a new check pending the receipt of documentation which supports the reason for reissue request.

VI. Timetable and Follow-up to Checks Not Cashed and “No Contact” Class Members

(“HCO”) claims form and 2) claims for deceased parents or relatives that were excluded by the HCO Panel.

⁵ Settlement Agreement, ¶ VII.D at 15:

Thirty-one days after Final Approval, the Claims Administrator shall issue settlement payments from the Net Settlement Amount to each Payment Recipient via check in accordance with the Payment Distribution Plan approved by the Court. All settlement payment checks issued to Settlement Class Members will expire and become void 120 days after they are issued.

Under the Settlement Agreement and Payment Distribution Plan, checks will expire and become void 120 days after issuance. Epiq will file a report on or about February 1, 2024 identifying 1) all class members whose checks have not been cashed and 2) all living⁶ class members for whom there has been “no contact”. In consultation with the Settlement Special Master and Class Counsel, Epiq will formulate an appropriate plan for follow-up to each category of claims and for apportionment of costs to these claims.

I declare under penalty of perjury under the laws of the United States and the State of Hawai’i that the foregoing is true and correct.

/s/ Robert Coomes
Robert Coomes
Senior Settlement Project Manager
Epiq Class Action & Claims Solutions, Inc.

⁶ Epiq has been informed that follow-up for deceased class members’ heirs will be the responsibility of the Probate Special Master and Probate Special Counsel.

Exhibit B



Kalima v State of Hawaii (40057079)
Client Activity Report
Fairness Hearing Date: 7/21/2023

| | Week Ending | 3/31/2024 | Cumulative through |
|---|-------------|----------------|--------------------|
| | | | 3/31/2024 |
| Disbursements | | | |
| Initial Disbursement Date 11/21/23 | | | |
| Initial Payments Sent | | - | 1,303 |
| Dollar Amount of Initial Payments Sent | | - | \$187,010,795.07 |
| Payments Reissues | | - | 159 |
| Dollar Amount of Payments Reissues | | - | \$25,618,382.83 |
| Number of Payments Negotiated | | 21 | 1,177 |
| Dollar Amount of Payments Negotiated | | \$3,369,157.32 | \$167,947,099.79 |
| Number of Payments Non-Negotiated | | | 126 |
| Dollar Amount of Payments Non-Negotiated | | | \$19,063,695.28 |
| Number of Outstanding Payments | | | 68 |
| Dollar Amount of Outstanding Payments | | | \$9,745,123.99 |
| Total Undeliverable Payments | | | 58 |
| Dollar Amount of Undeliverable Payments | | | \$9,318,571.29 |
| Total Voided Payments | | | 171 |
| Dollar Amount of Payments Voided | | | \$27,106,417.77 |

| | | | |
|---|--|-------|--------|
| Incoming and Outgoing Communications | | | |
| Correspondence (Received) | | 38 | 525 |
| Correspondence (Sent) | | 12 | 400 |
| Death Certificate (Received) | | 46 | 1,535 |
| Email Correspondence (Received) | | 1,905 | 16,214 |
| Email Correspondence (Sent) | | 281 | 4,268 |
| eProbate | | 18 | 311 |
| Deceased Family Information Form | | 32 | 478 |
| Information Request Form Deceased Paper (Received) | | 3 | 975 |
| Information Request Form Deceased Online (Received) | | 74 | 498 |
| Probate Plain Language Letter | | 1,172 | 1,172 |
| Supporting Documents | | 29 | 493 |

| | | | |
|--|--|-------|--------|
| Call Center Support | | | |
| 833-639-1308; 808-650-5551 | | | |
| Launch Date 07/05/2022 | | | |
| IVR - Total Calls | | 1,008 | 36,539 |
| IVR - Total Minutes | | 988 | 43,005 |
| Voicemails Received | | 655 | 11,329 |
| Live Operator - Total Outgoing Calls | | 519 | 9,251 |
| Live Operator - Total Outgoing Minutes | | 4,104 | 58,970 |

| | | | |
|---|--|-------|---------|
| Website | | | |
| www.kalima-lawsuit.com | | | |
| Page Hits | | 8,210 | 159,153 |
| Sessions | | 3,803 | 74,933 |
| Deceased Class Member Info Request Form | | 159 | 2,013 |
| Deceased Family Information | | 154 | 650 |
| Omnibus Order | | 51 | 146 |
| Payment Matrices | | 49 | 812 |
| Petition #1 | | 177 | 301 |
| Petition #2 | | 143 | 226 |
| Petition #3 | | 142 | 239 |
| Petition #4 | | 161 | 161 |
| Petition #5 | | 173 | 173 |
| Petition #6 | | 45 | 45 |
| Probate Notice | | 273 | 1,041 |
| Report re: Petition for Instructions #1 | | 85 | 85 |
| Probate Presentation Talk Story | | 43 | 180 |
| Settlement Agreement | | 24 | 1,234 |
| Tax Letter | | 143 | 980 |
| Tax Opinion Letter | | 111 | 793 |
| Third Notice to Eligible Class | | 121 | 2,932 |
| Third Notice to Ineligible Class | | 107 | 1,648 |

DISCLAIMER: Epiq Class Action & Mass Tort Solutions ("ECA") maintains this report for its clients to provide a near-real-time view into the Administrator's database. Please be aware that, while ECA makes every effort to ensure that the information provided is timely, accurate and complete, the status of documents and line-item counts may be changing due to work in progress, analyst review, quality assurance audits, processing of additional documentation, and data validation. Before using these statistics for critical analysis or for court filings, you should contact your Project Manager.

Exhibit C

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.

Not all family members will receive Settlement Payments. However, you must complete and submit the following two forms to be considered for a share of a Deceased Class Member's Settlement Payment.

1. Deceased Class Member Information Request Form.

If you have already submitted a Deceased Class Member Information Request Form, thank you. If you have not, please submit one as soon as possible.

2. Detailed Family Information Form.

This is a new form that requests additional detailed information regarding the families of Deceased Class Members. It requests some of the same information as the Deceased Class Member Information Form but requests additional details and is submitted under penalty of perjury.

Both forms will be used by the Probate Special Master and Probate Special Counsel to identify the heirs and devisees as well as petition the Court for approval to disburse a Deceased Class Member's Settlement Payment. If additional information is required after submission of the forms, you will be contacted. **BOTH FORMS MUST BE COMPLETED.**

These forms are included with this Notice and also available online at www.kalima-lawsuit.com. You may also email info@kalima-lawsuit.com or call 1-808-650-5551 or 1-833-639-1308 to ask to have the forms mailed or emailed to you.

Please use the enclosed Checklist to make sure that the forms are as complete as possible and all documentation is submitted. Failure to provide complete information and documentation will delay the probate process and the distribution of the Settlement Payment.

FREQUENTLY ASKED QUESTIONS

The following are Frequently Asked Questions regarding the probate process. Please refer to www.kalima-lawsuit.com for updates.

1. Who are the family members who can share in the Settlement Payment?

In accordance with the Probate Plan, 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. The Probate Court will make the final decision on how the Settlement Payment will be divided based on Hawai'i law. All spouses, children and step-children should be listed on the Deceased Class Member Information Request Form and the Detailed Family Information Form. Please be aware that step-children and *hanai* children may not be recognized as an heir under the Hawai'i laws of intestacy. Step-children may impact the amount due to a surviving spouse, so information relating to step-children is important.

Please note that the Probate Plan will ONLY determine how the Settlement Payment is distributed to the rightful heirs and devisees. The Probate Plan will NOT determine who is entitled to other assets or property of the Deceased Class Member.

2. How will the Settlement Payment Be Made to Heirs and Devisees?

If a Deceased Class Member qualifies to receive a Settlement Payment, the Settlement Payment may be distributed pursuant to an order of the Probate Court of the First Circuit, State of Hawai'i as detailed in the Probate Plan, as follows:

- A. Distributions will be made to the Personal Representative (or Legal Representative) of Deceased Class Members' Estates upon the presentation of appropriate court documents establishing the appointment of the Estate's Personal Representative (or Legal Representative). The Personal Representative will be responsible for distributing the Settlement Payment to any Heirs and Devisees.
- B. Distributions will be made to the Trustee of a Deceased Class Member's validly executed Trust upon the presentation of appropriate documents establishing the Trust, the appointment of a Trustee, and verification that the Trust is entitled to the Settlement Payment. The Trustee will be responsible for distributing the Settlement Payment to the appropriate beneficiaries of that Trust.
- C. Distributions will be made to the heirs and devisees of Deceased Class Members who do not have Personal Representatives (or Legal Representatives), as ordered by the Probate Court of the First Circuit, State of Hawaii.

3. What Is the Probate Plan?

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 under the “Probate Documents” heading.

In accordance with the Probate Plan, 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. Once identified, the Probate Special Master and Probate Special Counsel will petition the Court to authorize distribution of the Settlement Payment to the appropriate heirs or devisees of each Deceased Class Member.

4. Is There A Cost For The Probate Plan?

All of the fees and costs associated with the Probate Plan, which will include attorney fees, administrative fees and related costs will be divided on a *pro rata* basis among all the Deceased Class Members and deducted from each Settlement Payment. This is expected to be a very cost-effective process. Families who retain private counsel will be personally responsible for their own attorneys’ fees and costs.

5. Who Will Represent Deceased Class Members in Probate Court?

The Court has appointed a Probate Special Counsel to petition the Probate Court for instructions regarding the distribution of the Settlement Payments to the rightful heirs and devisees. Pursuant to the Probate Plan, the Probate Special Counsel will petition the Probate Court for orders detailing the heirs and devisees that should receive the Settlement Payments.

6. Can we hire our own attorney?

You may retain your own attorney, at your own personal expense, to assist you with a probate proceeding for the Estate of a Deceased Class Member. Please note that the Probate Special Master and Probate Special Counsel will be involved to a certain extent in all disbursements for Settlement Payments allocated for Deceased Class Members.

If you do hire your own attorney, please advise the Claims Administrator as soon as possible and no later than December 1, 2023 and ask your private attorney to reference the Kalima settlement in any documents that they file with the Court.

7. How do we find an attorney?

You can contact the Hawai‘i State Bar Association Lawyer Referral and Information Service and request a referral to attorneys who are willing to work on the “Kalima Probate” claims:

Hawai‘i State Bar Association
Lawyer Referral and Information Service
Monday – Friday 8:30 a.m. – 4:30 p.m.
Phone: 1-808-537-9140
Email: LRIS@hsba.org
www.hawaiilawyerreferral.com

You may also contact community legal service providers that may (but also may not) be able to provide free or low-cost legal services, depending on their availability and other factors. These service providers include the following:

Volunteer Legal Services of Hawai‘i: 1-808-528-7046
Legal Aid Society of Hawai‘i: 1-808-696-6322
University of Hawai‘i Elder Law Program: 1-808-956-6544

Please note that this is not an endorsement of any services or attorneys.

8. We want to designate a family member to be the Personal Representative or Legal Representative. What do we do?

Please note that a Personal Representative (or Legal Representative) is not necessarily the person that is on record as the point of contact. A Personal Representative is officially appointed by a probate court. If you want to have a

family member be appointed as the Personal Representative, you **must obtain a probate court order appointing the Personal Representative**. You may wish to consult with an attorney about obtaining appointment as personal representative. The cost for your own attorney will be your own responsibility. Initiating probate proceedings independently for the distribution of the Settlement Award is NOT required.

The following types of documents are NOT sufficient to establish a person as a Personal or Legal Representative:

- Documents such as a funeral program, an obituary, or statements from family members are NOT sufficient.
- Documents showing that you inherited property from the deceased (such as a will) or which establish your family relationship (such as birth certificates or death certificates) are NOT sufficient.
- Documents indicating the decedent's desire that you be appointed legal representative or executor of his or her estate (such as a will or Power of Attorney) are NOT sufficient.
- Documents designating you as the successor to Hawaiian Home Lands Homestead Lease or other real estate holdings.

9. My relative had a will and/or trust.

If the Deceased Class Member had a will or trust, please provide a copy to the documentation to the Claims Administrator. This will assist the Probate Special Master and Probate Special Counsel in identifying the proper heirs and devisees. Please make sure that you copy or scan both sides of the documentation so that any certification, seal, or stamp on the front or back of it is clear and visible. **Do not send the original copy.**

10. We have documentation establishing the Legal Representative, Personal Representative, an Affidavit of Collection, Small Estate Affidavit or other relevant documentation.

Please send a copy of the documentation to the Claims Administrator. Please make sure that you copy or scan both sides of the documentation so that any certification, seal, or stamp on the front or back of it is clear and visible. **Do not send the original copy.** Once you submit documentation that you or your attorney believe are acceptable, the Claims Administrator with the Probate Special Master and the Probate Special Counsel will review the documentation to ensure that it conforms with the requirements in the Probate Plan. If additional information is required, we will reach out to you or your attorney. If no additional information is needed, the Probate Special Counsel will petition the Probate Court for final approval to issue the Settlement Payment according to the submitted documentation.

11. Will an Affidavit of Collection (or Small Estate Affidavit) be sufficient?

If the value of the Deceased Class Member's Settlement Payment PLUS all of the Deceased Class Member's other personal assets (*i.e.*, assets that were not transferred to a successor, beneficiary or joint owner upon death) is under \$100,000 (note that this amount does not include the value of motor vehicles, but would include the value of boats), **and** the Deceased Class Member owned no real property (*i.e.*, no real estate, time shares etc.), then an Affidavit of Collection may be appropriate but also may not be sufficient, depending on each case.

Please note that the amount and requirements may vary depending on if the Deceased Class Member lived out of state. You may not use an Affidavit of Collection if probate has already been opened for the Deceased Class Member. You may wish to check with an attorney, legal aid providers or other estate/probate professional as to whether it can be used for your Deceased Class Member. An Affidavit of Collection is NOT required and may not expedite processing any payments. Please note that submission of multiple Affidavits of Collection for one Deceased Class Member will DELAY the processing of the Settlement Payment.

12. My relative who is the Deceased Class Member lived out of state. How do we proceed?

If the Deceased Class Member lived out of state, you must send a certified death certificate to the Claims Administrator. You may submit a paper copy by mail or an electronic copy by email to info@kalima-lawsuit.com. Please also complete both (1) the Deceased Class Member Information Request Form and (2) the Detailed Family Information Form. If the Deceased Class Member's Estate was previously probated or there was a will or trust, please submit a copy of such documentation. Please contact a local attorney if you have questions about the state's laws.

13. One or more of the family members suffers from a disability, is incapacitated and/or cannot make their own decisions. What should we do?

Please provide copies of powers of attorney, guardianship and/or conservatorship documentation for the family member to the Claims Administrator. This documentation will assist the Probate Special Master and Probate Special Counsel in ensuring that the rightful heirs and devisees are identified, and that any Settlement Payments are sent to the appropriate parties.

14. One of more of the family members receives public benefits. What should we do?

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.

Each of these programs has complicated rules. Advice about your specific circumstances and public benefits are beyond the scope of this Settlement. We cannot advise you about these issues. You may also want to contact an attorney or community legal service provider for guidance. Please comply with all program rules and requirements for these programs, especially any rule or requirement that you must disclose changes in financial status to the relevant public assistance program. Certain program agencies may provide additional information about their unique rules. The loss or limitation of certain benefits can sometimes be avoided by directing payment into a special type of trust called a “Special Needs Trust.” Please contact the Claims Administrator for more information regarding a Special Needs Trust.

15. We have a dispute among family members about the Settlement Payment, process or other issue impacting this Settlement. What should we do?

If there is a dispute among family members, the case will be referred for resolution by mediation. Please advise the Claims Administrator and the claim will be put on hold until the dispute is resolved. If there is still a disagreement after mediation, you must hire your own attorney to resolve any disputes regarding distribution of the Settlement Payment.

16. How long until Settlement Payments are distributed for Deceased Class Members?

You will receive additional mailings in the future. Please promptly comply with any requests for information and keep copies of these mailings for your reference. Because the Probate Plan requires separate proceedings with multiple petitions and multiple hearings, payments will likely not be processed until after January 1, 2024. We hope to complete the process by December 31, 2025, but it may take longer. This will be a lengthy process as there are now over 1,000 Deceased Class Members and your *kōkua* and patience are appreciated.

Questions? Email info@kalima-lawsuit.com or call 1-808-650-5551 or 1-833-639-1308.

THIS IS AN OFFICIAL COMMUNICATION OF THE FIRST CIRCUIT COURT. PLEASE DO NOT CONTACT THE COURT.

EXHIBIT “1”

CHECKLIST FOR FAMILIES OF DECEASED CLASS MEMBERS

- Complete the (1) Information Request Form as well as the (2) Detailed Family Information Form and send both to the Claims Administrator. You must fill these out completely and promptly. Failure to complete these forms will result in significant delays for payments for all Deceased Class Members. Be sure to include the following when completing the forms:
 - Names, addresses and contact information for all family members of the Deceased Class Member.
 - Are any of these family members deceased? If so, please provide a copy of the deceased family members, heirs' and devisees' Death Certificates and contact information for their legal successors/representatives.
 - Are any of the family members, heirs or devisees minors? If so, please provide their birth certificates.
- Does the Deceased Class Member have a will or a trust? If yes, please send copies to the Claims Administrator.
- Was the Deceased Class Member's Estate previously probated? If yes, please send copies of the documentation to the Claims Administrator.
- Does the family have a private attorney? If yes, please advise the Claims Administrator before December 1, 2023.
- Did the Deceased Class Member reside outside of Hawai'i? If yes, please also send the Death Certificate to the Claims Administrator.
- Are any of the family members listed on the Information Request Form receiving public benefits? If so, please contact the Claims Administrator to request information about special needs trusts.
- Are any family members listed on the Information Request Form under a disability that makes it difficult for them to act without assistance? If so, please provide copies of powers of attorney, guardianship and/or conservatorship documentation.

Questions? Email info@kalima-lawsuit.com or call 1-808-650-5551 or 1-833-639-1308.

THIS IS AN OFFICIAL COMMUNICATION OF THE FIRST CIRCUIT COURT. PLEASE DO NOT CONTACT THE COURT.

EXHIBIT "1"

FAMILY REPRESENTATIVE INFORMATION

If you are a relative of a deceased Settlement Class Member, please designate a person to be your family representative for this Settlement. The representative will serve as the point of communication during the processing of the deceased Settlement Class Member’s claim. If you are an heir or devisee, agreeing to act as a representative does not entitle you to receive any additional Settlement proceeds that are paid to the deceased person’s estate.

Representative Name:

First Name:

MI:

Last Name:

Address:

City:

State:

ZIP Code:

Telephone:

 - -

Email:

Relationship to Settlement Class Member:

WHO IS THE SURVIVING SPOUSE (IF ANY)?

First Name:

MI:

Last Name:

Address:

City:

State:

ZIP Code:

Telephone:

 - -

Email:

IS THE SPOUSE CURRENTLY RECEIVING PUBLIC BENEFITS OR UNDER A DISABILITY THAT IMPACTS LEGAL CAPACITY?

YES NO

IF SPOUSE IS DECEASED, PLEASE PROVIDE DATE OF DEATH AND PLACE OF DEATH. (PLEASE PROVIDE COPY OF DEATH CERTIFICATE)

Place of Death:

Date Death:

 - -

MM

DD

YYYY

CHILD 2:

First Name:

MI:

Last Name:

Address:

City:

State:

ZIP Code:

Telephone:

 - -

Email:

IS THIS CHILD CURRENTLY RECEIVING PUBLIC BENEFITS, A MINOR, OR UNDER A DISABILITY THAT IMPACTS LEGAL CAPACITY?

YES NO

NAME OF THE CHILD'S FATHER

First Name:

MI:

Last Name:

NAME OF THE CHILD'S MOTHER

First Name:

MI:

Last Name:

IS THIS CHILD LIVING?

YES NO

IF THIS CHILD IS NOT LIVING, PLEASE PROVIDE THE NAME(S), AGE(S) AND ADDRESS(ES) OF HIS/HER CHILDREN, IF ANY:

PLEASE ADD ADDITIONAL PAGES TO LIST ALL CHILDREN OF THE DECEASED SETTLEMENT CLASS MEMBER. YOU DO NOT NEED TO RECOPY THIS FORM.

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: _____

2. Did the surviving spouse identified in Question 1 have children who were NOT also the children of the Deceased Class Member?

YES _____ NO _____

If YES, please provide the child(ren)'s full name(s) and address(es):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

3. Does the Deceased Class Member have children who are NOT also the children of the surviving spouse (named in Question 1)?

YES _____ NO _____

If YES, please provide the child(ren)'s full name(s) and address(es) along with their birth certificate(s):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

Birth Certificate attached: YES _____ NO _____

4. Provide the names and addresses of ALL of the Deceased Class Members' children (whether living or deceased). If deceased, please write "Deceased" in the address fields and provide their Death Certificate.

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

Death Certificate attached: YES _____ NO _____

5. Did any of the Deceased Class Member’s children die PRIOR to the Deceased Class Member’s death?

YES _____ NO _____

If YES, please provide the names and address of all the children’s children (i.e., the Deceased Class Member’s grandchildren) along with their birth certificates:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

Mother’s Name: _____

Father’s Name: _____

Birth Certificate attached: YES _____ NO _____

6. Did the parents of the Deceased Class Member survive the Deceased Class Member?

YES _____ NO _____

If YES, please provide the name of the parent(s) that survived the Deceased Class Member along with the address(es):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

7. Provide the names and addresses of the descendants of the parents (i.e., siblings of the Deceased Class Member).

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND CORRECT.

Representative Name: _____

Representative Signature: _____

Dated: _____

Exhibit D

**Kalima, et al. v. State of Hawai'i et al. Settlement
Claims Administrator
P.O. Box 135035, Honolulu, HI 96801
808-650-5551 OR 833-639-1308**

**This official communication has been
approved by the First Circuit Court,
State of Hawai'i and is not a solicitation.**

<<Mail ID>>
<<Name 1>>
<<Name 2>>
<<Address 1>>
<<Address 2>>
<<Address 3>>
<<Address 4>>
<<Address 5>>
<<City>><<State>><<Zip>>
<<Country>>

Tracking Number: <<TN>>
Class Member: <<ClassMember>>

<<Date>>

**RE: LETTER TO FAMILY MEMBERS OR POTENTIAL HEIRS 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.**

Aloha <<Name>>:

A \$328 Million Settlement was approved by the First Circuit Court in the State of Hawai'i in August 2023. Our records indicate you may be a family member or potential heir of a Deceased Class Member who was entitled to an award from this Settlement. As a family member or potential heir, you may be eligible to receive a payment from this Settlement.

THE FACT THAT YOU ARE RECEIVING THIS NOTICE DOES NOT MEAN THAT YOU WILL RECEIVE A PAYMENT. This letter provides important information for you to determine eligibility to receive payments from this Settlement.

If you are not a family member or potential heir 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 that person if you know her or him, or disregard this letter. Mahalo.

If you are or believe you are a family member or potential heir of a Deceased Class Member, please do the following:

- Visit the Settlement website at Kalima-Lawsuit.com and review the information there.
- Contact the Claims Administrator (who is administering this Settlement and communicating directly with Class Members and family members of Deceased Class Members to answer their questions) by
 - phone at 808-650-5551 or 833-639-1308;
 - email to info@Kalima-Lawsuit.com;
 - mail to Kalima Claims Administrator, P.O. Box 135035, Honolulu, HI 96801.

When contacting the Claims Administrator, please reference the Tracking Number and Class Member noted above.

- Attend an upcoming Talk Story hosted by the attorneys who are assisting Class Members and families of Deceased Class Members. These meetings are held to provide information about the current status of the Settlement and answer questions from meeting attendees. The next Talk Story will occur on April 3, 2024, at 5pm HT. More details on the Talk Stories can be found on the Settlement website, Kalima-Lawsuit.com.

If you are or believe you are a family member or potential heir of a Deceased Class Member, please fill out the attached forms (explained below) and return them to the Claims Administrator in the enclosed, postage paid envelope. This will assist the attorneys overseeing the probate process and may expedite payment of the Settlement award to family members who are approved.

1. Deceased Class Member Information Request Form: This form may be filled out online as well by going to Kalima-Lawsuit.com/DeceasedRequest.

This form requests contact information for the immediate family of the Deceased Class Member.

2. Detailed Family Information Form: This form requests additional detailed information regarding the families of Deceased Class Members. It requests some of the same information as the Deceased Class Member Information Form but requests additional details and is submitted under penalty of perjury.

When contacting us, please reference the Tracking Number and Class Member noted above. Please contact us as soon as possible.

Mahalo,

Kalima Claims Administrator

EXHIBIT "1"

EXHIBIT “2”

First Interim Report of the Special Master

EMILY H. KAWASHIMA, 6498-0
AAL, LLLC

Topa Financial Center
700 Bishop Street, Suite 1700
Honolulu, Hawaii 96813
Telephone No.: (808)744-4688
Facsimile No.: (888)777-5405
E-mail: emily@kawashimalaw.com

Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
01-MAR-2024
09:10 AM
Dkt. 74 RMSTR

PROBATE SPECIAL MASTER

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)

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR
INSTRUCTIONS #1, FILED ON
JANUARY 2, 2024; EXHIBITS "1" –
"2"; CERTIFICATE OF SERVICE**

Hearing:

Date: March 15, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #1**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate
Special Master to examine the Petition for Instructions #1, filed January 2, 2024 (the
"Petition"), and respectfully submits this Report.

I. INTRODUCTION

This Master was appointed by *Joint Order Adopting Settlement Special Master's
Findings and Recommendations and Appointing Probate Special Master* (the "Appointment

EXHIBIT "2"

Order”) [Dkt. 1617], filed on March 3, 2023, in *Kalima v. Hawaii*, Civ. No. 99-4771-12 LWC (“Kalima”), for the purposes set forth in the Appointment Order, as well as by the *Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings*, filed on December 29, 2023 [Dkt.12] (“Omnibus Order”), entered herein to examine and report on the Petitions for Instructions filed in this proceeding. The Omnibus Order requests that your Master: (1) examine and report findings and recommendations to the Court on all Petitions and on any other relevant matters in this Trust proceeding as deemed appropriate by the Master or the Court; (2) provide periodic status reports to the Court; and (3) address any outstanding issues contained in the Petitions or other pleadings filed in this proceeding.

This Report is filed pursuant to Rules 28 and 29 of the Hawaii Probate Rules.

Those appearing in these proceedings are Probate Special Counsel Scott C. Suzuki, Esq. and those proposed beneficiaries of the Trust Petitioners as noted below.

Your Master has examined the pleadings and their respective exhibits, in addition to other documents, most of which are listed below. Your Master has corresponded with some individuals and provides the following findings and recommendations.

II. DOCUMENTS EXAMINED AND OTHER RESEARCH

Your Master examined, among other things, the following pleadings and documents:

- Petition for Instructions #1, filed January 2, 2024, with Exhibits
- Redacted Petition for Instructions #1, filed February 23, 2024.
- Notice of Hearing published in the Star Advertiser on February 5, 2024, February 12, 2024 and February 19, 2024.
- Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings, filed on December 29, 2023

- Kalima Qualified Settlement Trust, attached to the Omnibus Order (“QST”)
- Probate Plan, attached to the Omnibus Order
- Facilitator database, Epic Claims Administrator
- Exhibits and objections submitted to the Claims Administrator

A. Interviews

- Your Master corresponded with a few individuals related to each Deceased Class Member as more fully outlined below.

B. Efforts to Locate Wills

Several of the deceased Class Members died intestate. In a typical probate proceeding seeking adjudication of intestacy, the Court will inquire about the efforts made to locate a Will. As this not a typical probate proceeding, the Claims Administrator Representative, Robert Coomes, filed a declaration on December 21, 2023, that details all of the efforts they have made to give notice to Class Members and the deceased Class Members’ families. [Dkt. 3] They were asked to provide all relevant estate planning information and documents to the Claims Administrator. The same information is posted on the Kalima Lawsuit website that is available to the public. There is a toll-free phone number to contact the Claims Administrator. Given the number of notices and efforts made by the Claims Administrator, your Master believes that deceased Class Members’ families have had ample notice to provide a Will or Trust for their decedent, if one exists.

Furthermore, the family will receive a copy of this Petition and if the decedent is noted to be intestate, but there actually is a Will, your Master expects the family to contact the Claims Administrator, your Master, Probate Special Counsel or to appear at the Court hearing.

III. BACKGROUND

As the Court is aware, the purpose of these Petitions for Instructions is to provide an efficient and cost-effective, yet accurate procedure to identify the proper heirs and devisees of those Kalima Class Members who are no longer living. Probate Special Counsel has researched each Deceased Class Member's family background based on self-reporting, database information, court records and oral history. Probate Special Counsel has also provided notice of the Probate Plan, Qualified Settlement Trust and notice of this hearing by U.S. Postal mail, publication of notice in the Honolulu Star-Advertiser and links to the documents on the Info-Kalima.com website.

Probate Special Counsel published Notice of the hearing on this Petition #1 in the Honolulu Star-Advertiser on February 5, 2024, February 12, 2024 and February 19, 2024. Your Master is satisfied that all interested parties were provided adequate notice of this hearing and that jurisdiction and venue are proper pursuant to HRS §554D-201-203.

IV. DECEASED CLASS MEMBERS

Your Master has reviewed the circumstances for each named Deceased Class member and provides the following findings and recommendations:

A. CHARLES KAUHIAIMOKUAKAMA AHLO

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as divorced.

Your Master reviewed the data regarding the decedent's descendants and spoke to the family representative, Nicole Kay, who is the decedent's granddaughter. Ms. Kay informed your Master that there was a document she believes should govern as a testamentary instrument.

Attached as Exhibit "1," is the document that was provided to the Claims Administrator on or

about February 15, 2024. Ms. Kay stated that this document was drafted by the decedent and reflects his wishes regarding distribution of the settlement funds. In the document there is a section that notes:

Vickie 65%
Brian 25%
Eldred 10%

Your Master has reviewed the handwritten document which indeed references the Kalima lawsuit and settlement. Hawaii Revised Statutes (“HRS”) §560:2-502(b) provides for holographic wills, whether or not witnessed, if the signature and material portions of the document are in the testator's handwriting. While the document appears to be in the decedent’s handwriting, it is not actually signed by the decedent. The reference to the percentages does not adequately provide distribution guidelines. Therefore, your Master does not find that the writing constitutes a valid holographic Will.

The decedent’s children are **VICKI E. ULSH and ELDRED AHLO**. Your Master spoke with Vicki E. Ulsh by telephone on or about February 27, 2024, and she confirmed that Brian was the decedent’s grandnephew and is not another intestate heir. There are no other intestate heirs that your Master is aware of. There are no prior or current probate proceedings for this decedent.

On the basis of the foregoing, your Master finds and concludes that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed in equal proportions to his intestate heirs, **VICKI E. ULSH and ELDRED AHLO**.

B. EDWARD KEHOA AHUNA, JR.

Your Master and Probate Special Counsel were informed by the Claims Administrator after Petition #1 was filed, that this decedent opted out of the Class Action and his name was inadvertently included as a Deceased Class Member.

Your Master therefore respectfully requests that **EDWARD KEHOA AHUNA, JR.**, be stricken from Petition #1.

C. DANDELINE AI

Your Master and Probate Special Counsel were informed by the Claims Administrator after Petition #1 was filed, that this decedent settled her claims prior to the resolution of the Class Action and her name was inadvertently included as a Deceased Class Member.

Your Master therefore respectfully requests that **DANDELINE AI**, be stricken from Petition #1.

D. RAVILAND AI

Your Master and Probate Special Counsel were informed by the Claims Administrator after Petition #1 was filed, that this decedent settled her claims prior to the resolution of the Class Action and her name was inadvertently included as a Deceased Class Member.

Your Master therefore respectfully requests that **RAVILAND AI**, be stricken from Petition #1.

E. STEVEN AWAI AIPA

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as married to Wilhelmina Day, also known as Wilhelmina L. Aipa, also known as Wilhelmina L. Akina. This decedent has children from a former spouse as well as his last spouse. One of his children, Edward S. B. K. Aipa, died in 2013, survived by two minor children.

On or about February 15, 2024, Valline K. Schmidt submitted a letter objecting to Petition #1 with regard to the intestate heirs for this decedent. The letter was sealed as it contained full names of minors, in violation of Hawaii Court Records Rules 2.19 and 9.1. Your Master filed a

redacted version on February 23, 2024 [Dkt. 70], pursuant to the Court’s Minute Order Re: Letter to the Honorable Jeannette H. Castagnetti, filed February 23, 2024. A true and correct copy is attached as Exhibit “2.”

Ms. Schmidt is the mother of the minor children whose father was Edward S. B. K. Aipa, deceased. The letter objection requests that the settlement funds not be distributed to the decedent’s surviving spouse because she is “not of Native Hawaiian ancestry.” Ms. Schmidt instead requests the Court to distribute the proceeds to heirs who are Native Hawaiian and who qualify for Hawaiian Home Lands.

Your Master understands Ms. Schmidt’s position, however the laws of intestacy do not provide for these types of consideration. Had this decedent’s estate been processed as a separate probate proceeding, the outcome would be the same. Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent’s surviving spouse, **WILHELMINA L. AKINA (formerly known as WILHELMINA L. AIPA).**

F. LOUIS KALIHILIHUOLAOKALANI AKANA, JR.

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Anntoinette K. Tavares, now known as Anntoinette K. Akana. Your Master spoke to the family representative, Louis K. Akana, III. He confirmed the family received the filed Petition and related documents.

He also confirmed the spelling of his mother's first name, as it was misspelled as "Antoinette" on the decedent's death certificate.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's surviving spouse, **ANNTOINETTE K. AKANA**.

G. EARL NATHAN BELL

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Never Married. Your Master also reviewed the Will of the decedent which was probated in 2018 and closed in 2019, in P. No 18-1-150. Exhibit "A" of Petition #1. The sole devisee under the Will is the decedent's brother, **GENESIS BELL**. As stated by the Petitioner, Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the probate proceeding.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's brother, **GENESIS BELL**.

H. FRANCES KAIPOLEIMANU BRAND

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master also reviewed the Will of the decedent which was executed in 1999. Exhibit "B" of Petition

#1. The Will states that she is unmarried and has three children who are her sole devisees. The Will has not been probated.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

Your Master corresponded with Barbara Mikiala Brand, who confirmed that they are the only children of the decedent, that they all received the filed documents and that there is no other version of their mother's Will.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the decedent's surviving children, **BARBARA MIKIALA BRAND, KRAUTH O. BRAND and MARJORIE S. WHITE**, in accordance with the provided unprobated Will.

I. BLANCHE LAUAE CHING

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master reviewed the Order Granting Petition for Probate of Will and Appointment of Personal Representative and Letters Testamentary, in P. No. 1CLP-21-0000848, both filed on or about February 9, 2022. Exhibit "C" of Petition #1. **RAYMOND KAIPO CHING** was appointed Personal Representative on or about February 9, 2022, in the Circuit Court of the First Circuit, State of Hawaii.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to, **RAYMOND KAIPO CHING**, Personal Representative of the Estate of Blanche Lauae Ching, also known as Balance L. Mahoney, and Blanche Lauae Mahoney Ching, Deceased.

J. GRACE KA'OLINONANIKAPONO FITZGERALD

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. Your Master also reviewed the Will of the decedent which was probated and settled in 2011. Exhibit "D" of Petition #1. The sole devisee under the Will is the decedent's son, **FLOYD JEFFERSON PIPIKANE FITZGERALD**. As stated by the Petitioner, Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the probate proceeding.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's son and sole devisee, **FLOYD JEFFERSON PIPIKANE FITZGERALD**.

K. CLAYTON KAOAO FORSYTHE

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married and his spouse is listed as KRISTINE HAWKINS. Your Master also reviewed the Will of the decedent which was executed in 2018. Exhibit "E" of Petition #1. The Will states that he is married and has three children. The Will directs the residue to be distributed to the "Akama Revocable Trust." The

attached Trust is titled the “Akama Trust,” and is dated December 18, 2015. The decedent’s spouse is the current acting Trustee of the Trust. The Akama Trust was executed jointly by the decedent and his spouse. The Trust was executed prior to the decedent’s Will and it appears that the discrepancy in the Trust title was a scrivener’s error.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to **KRISTINE HAWKINS FORSYTHE**, the Trustee of the Akama Trust, dated December 18, 2015, for distribution consistent with the Trust terms.

L. EDWARD WILLIAM FORSYTHE

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow(er). Your Master reviewed the Order Granting *Ex Parte* Petition to Reopen Probate Proceedings, for Appointment of Successor Personal Representative, and for Issuance of Letters Testamentary, in P. No. LP-17-00052, filed on or about August 28, 2023. Exhibit “F” of Petition #1.

RONETTE K. F. TAEOLII was appointed Successor Personal Representative on or about August 28, 2023, in the Circuit Court of the First Circuit, State of Hawaii. Letters Testamentary were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to, **RONETTE K. F. TAEOALII**, Successor Personal Representative of the Estate of Edward William Forsythe, also known as Edward W. Forsythe, Deceased.

M. ORLANDO EUSEBIO GANTE

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married. Your Master reviewed the Statement of Intestate Informal Appointment of Personal Representative and the Letters of Administration, both filed in the probate matter P. No. 1CLP-21-0000208, on April 5, 2021. Exhibit "G" of Petition #1.

ELSIE S. GANTE was appointed Personal Representative on or about April 5, 2021, in the Circuit Court of the First Circuit, State of Hawaii. Letters of Administration were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **ELSIE S. GANTE**, Personal Representative of the Estate of Orlando Eusebio Gante aka Orlando E. Gante aka Orlando Gante, Deceased.

N. LAWRENCE EARL JOAO

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married and his spouse is listed as Rose Rodrigues, also known as Rose Joao. Your Master also reviewed the death certificates of Rose Joao and Lawrence Earl Joao, Jr., both of whom died after the decedent. Your Master reviewed the Will of the decedent which was executed on May 19, 1993. Exhibit "H" of Petition #1. This Will was not probated.

Pursuant to both the Will and the laws of intestacy, the Decedent's entire estate would be distributed to his surviving spouse, ROSE L. JOAO. The intestate heirs of ROSE L. JOAO would be her descendants, who consist of the Decedent and Rose Joao's seven children as listed in Petition #1. Deceased child Lawrence Earl Joao, Jr. is survived by the decedent's four grandchildren, each of whom will share their father's distribution equally.

JONETTE M. VISE, daughter of the deceased class member, confirmed that ROSE L. JOAO did not leave a will.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to the intestate heirs of ROSE L. JOAO in the following proportions:

FLORENCE N. BUSH (daughter): 1/7
PEARL K. SANCHEZ (daughter): 1/7
GUSSIE M. DUDOIT (daughter): 1/7
VANESSA-ANN L. JOAO (daughter): 1/7

JONETTE M. VISE (daughter): 1/7
RAYNETTE K. SAMUELSON (daughter): 1/7

ISAAC T. JOAO (descendant of LAWRENCE E. JOAO, JR.): 1/28
JESSE C. JOAO (descendant of LAWRENCE E. JOAO, JR.): 1/28
HANAKEAKUA JOAO FARQUHAR
(descendant of LAWRENCE E. JOAO, JR.): 1/28
KALALANIAMAKALII JOAO (descendant of LAWRENCE E. JOAO, JR.): 1/28

O. DAVID KALANI JOSIAH, SR.

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married. Your Master reviewed the Statement of Intestate Informal Appointment of Personal Representative and the Letters of Administration, both filed in the probate matter P. No. 1CLP-23-0000604, on July 28, 2023. Exhibit "I" of Petition #1.

COOKIE K. JOSIAH was appointed Personal Representative on or about July 28, 2023, in the Circuit Court of the First Circuit, State of Hawaii. Letters of Administration were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **COOKIE K. JOSIAH**, Personal Representative of the Estate of David Kalani Josiah. Sr., also known as David K. Josiah, Sr., and David Josiah, Sr.

P. PATRICIA PUALANI KUKONA

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married. Your Master

also reviewed the Will of the decedent which was executed on November 10, 2020. Exhibit “J” of Petition #1. The Will states that she is married and has three children and two step-children. The Will has not been probated.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.” The Will appears to be validly executed and is clear and convincing evidence of the Decedent’s intent that her spouse is her sole devisee.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to the decedent’s surviving spouse, **NORMAN QUINTIN KUKONA**, in accordance with the provided unprobated Will.

Q. MARY ANN NEULA LIM

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow(er). Your Master reviewed the Statement of Intestate Informal Renewal of Letters of Administration, in P. No. 3LP-17-000240, filed on or about February 28, 2022. Exhibit “K” of Petition #1.

DONNA M. AMINA’s authority as Personal Representative was renewed on or about February 8, 2022, in the Circuit Court of the Third Circuit, State of Hawaii. Amended Letters of Administration were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent’s settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member’s estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to, **DONNA M. AMINA**, Personal Representative of the Estate of Mary Ann Neula Lim, also known as Mary A.N. Lim and Mary Lim.

R. JOSEPH WILLIAM PAAKAULA NAKOA

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married. Your Master also reviewed the Letters of Administration in the informal intestacy proceeding, P. No. 08-01-0224, in the Circuit Court of the Third Circuit, State of Hawaii. Exhibit "L" of Petition #1.

The sole heir under intestacy is the decedent's surviving spouse, **ROSEMARIE NAKOA aka ROSE M. NAKOA**. As stated by the Petitioner, Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the probate proceeding.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's surviving spouse, **ROSEMARIE NAKOA aka ROSE M. NAKOA**.

S. JACOB IAKOBA PUAA

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married. Your Master also reviewed the Will of the decedent which was executed on July 6, 2000. Exhibit "M" of Petition #1. The Will states that he is married and has five children. The Will has not been probated.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and

convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.” The Will appears to be validly executed and is clear and convincing evidence of the Decedent’s intent that his spouse is his sole devisee.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to the decedent’s surviving spouse, **BETTY K. PUAA**, in accordance with the provided unprobated Will.

T. IWALANI LUKE RUDDLE

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow(er). Your Master also reviewed the Will of the decedent which was executed on or about August 19, 2009. Exhibit “N” of Petition #1. The Will directs the residue to be distributed to the Iwalani Luke Ruddle Revocable Living Trust, dated May 6, 1994, as amended.

The Statement of Trust Registration, Tr. No. 10-01-003, filed on May 28, 2010, in the Circuit Court of the Third Circuit, State of Hawaii, notes that **LUKELA DONNE RUDDLE** is the Successor Trustee. This document was filed after the decedent’s date of death.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to **LUKELA DONNE RUDDLE**, the Successor Trustee of the Iwalani Luke Ruddle Revocable Living Trust, dated May 6, 1994, as amended, for distribution consistent with the Trust terms.

U. RUBY LEIMOMI WILHELM

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master reviewed the Order Granting *Ex Parte* Petition for Renewal of Letters of Administration, in P. No. LP-07-1-000213, filed on or about March 22, 2023. Exhibit "O" of Petition #1.

CHERYL A. WILSON's authority as Personal Representative was renewed on or about March 22, 2023, in the Circuit Court of the First Circuit, State of Hawaii. First Amended Letters of Administration were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to, **CHERYL A. WILSON**, Personal Representative of the Estate of Ruby Leimomi Wilhem, Deceased.

V. NANCY PUNOHU ZALOPANY

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master also reviewed the unprobated Will of the decedent which was executed on or about September 14, 1995. Exhibit "P" of Petition #1. The Will directs the residue to be distributed to the Nancy Punohu Zalopany Self- Trusteed Trust, dated September 14, 1995.

The Affidavit of Successor Trustee, recorded with the State of Hawaii Bureau of Conveyances on or about May 18, 2012, states that **ANALIA ANN FURMAN** is the Successor Trustee as a result of the decedent resigning.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **ANALIA ANN FURMAN**, the Successor Trustee of the Nancy Punohu Zalopany Self- Trusteed Trust, dated September 14, 1995, for distribution consistent with the Trust terms.

V. CONCLUSION

WHEREFORE, your Master recommends and prays as follows:

- A. That the Court approve and adopt this Master's Report Re: Petition for Instructions #1;
- B. That the Court grant the Petition for Instructions #1, filed January 2, 2024;
- C. That the Court find that jurisdictional requirements have been met and venue is proper;
- D. That the Court find that, as far as known, all persons necessary to an adjudication of this matter are parties hereto and shall be bound by all orders arising from this Petition and the Court find that there is no need to appoint a guardian ad litem to represent the interests of unknown or unascertained contingent remainder beneficiaries;
- E. That the Court authorize and Order the Claims Administrator to follow the distributions as outlined in this Report;
- F. That the Court award the Petitioner's reasonable attorneys' fees and costs to be paid by the Trust and deducted from the above beneficiaries' distributions on a pro rata basis, subject to the filing of an affidavit or declarations;

G. That the Court grant reasonable Master's fees and costs, to be paid by the Trust and deducted from the above beneficiaries' distributions on a pro rata basis, subject to the filing of an affidavit or declaration;

H. That the Court enter judgment as to this Petition pursuant to Hawaii Probate Rule 34(a) accordingly; and

I. Grant such other and further relief as this Court may deem just and equitable.

DATED: Honolulu, Hawaii, on March 1, 2024.

/s/ Emily H. Kawashima
EMILY H. KAWASHIMA
PROBATE SPECIAL MASTER

CALL NHLC

Corporation

HCO

95-904

NATIVE HAWAIIAN LEGAL CENTER
1164 Bishop St Suite 1205
phone 521-2302

Vicki CONTINUE TO REPRESENT
ME IN THIS CASE. Aerial Damages
ATE # 124, 262.10 12.22.98.
Final DECISION & ORDER Same
Cop held IN THE STATE SUPREME COURT

Vicki 65% } 8-8-04
Brian 25% }
Eldred 10% }

Home 247-3668
Cell 636-3062
work 593-2785

Class Action Suit - Kalima et al vs
State of HAWAII OCT 13, 2002

Rec'd 12-10-04 LTR Dec 10, 04 update from NHLC
on Class Action Suit, awaiting "supreme Court decision enclosed"

Vicki Entire Top DAWER
on this Case 95-904
work sheet Evidences
on Investigation by PANEL

9-26-05
3:15 PM Called NHLC
95-904 Still Pending ???

8-14-06 DHHL meeting 9am.
Vicki & B.K. Photo

Note: Mr. "Kamano Mills" FOLLOW INSTRUCTIONS
HCO clinic office ENCLOSED

Note: 1. class action suit Kalima
2. money from legislature?
& options working toward settlement

See back of
Folder

↑ Important

Ah LO

EXHIBIT "2"

EXHIBIT "1"

Valline K. Schmidt

87-198 kaukamana PDB
Naianae HI 96792

Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
25-FEB-2024
04:09 AM
Dkt. 62 BESP

In the matter of the Kalima class Action
Settlement trust dated June 23, 2023. In the case
of 1CTR-23-0000142 (Trust Proceeding). Dkt 33 OSTPH
Hearing date March 15th 2024 10.am. Judge: Hon
Jeannette H. Castagnetti.

I Valline K. Schmidt on behalf of my minor children
[redacted] and [redacted] listed as
Interest Heirs. I Valline K. Schmidt OBJECT the petition
belief that the deceased class member settlement proceeds
should be distributed to former spouse. Wilhemmina L. Akin
I object to this and reason being that Ms. Akin
is not of native Hawaiian ancestry. Akin would not
qualify to inherit Hawaiian Homestead. therefore she should
not be entitled to proceeds. This proceeds are for Native
Hawaiians. I ask that the court consider this fact.
And grant Heirs [redacted]
who are of native Hawaiian ancestry and qualify for
Hawaiian Home lands.

Regards,

Valline K. Schmidt

EXHIBIT "2"

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)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a file-marked copy of the foregoing document will be duly served by depositing the same in the United States Mail, postage prepaid, on the following identified interested person(s) immediately after filing.

| | |
|--|--|
| VICKI E. ULSH 48-477 Kamehameha Highway #E Kaneohe, Hawaii 96744 | ELDRED AHLO 3250 Pinao Street Honolulu, Hawaii 96822 |
| EDIE LORRIE K. CAMERO P.O. Box 5804 Hilo, Hawaii 96720 | DARIANNE ALAKAI PIAGENTINI-GODOY 604 Keonaona Street Hilo, Hawaii 96720 |
| KYONG JA AI aka JOY AI 277 California Avenue #1 Wahiawa, Hawaii 96786 | WILHELMINA L. AKINA 353 Olu Street Hilo, Hawaii 96720 |
| WALTER K. AIPA 86-299 Hokukea Place Waianae, Hawaii 96792 | PAULA-JEAN L. YOUNG 86-299 Hokukea Place Waianae, Hawaii 96792 |
| PAUL C. DAY 86-299 Hokukea Place Waianae, Hawaii 96792 | JACOB L. MAGARRO 86-195 Moeha Street Waianae, Hawaii 96792 |
| RYAN KALAAU 86-299 Hokukea Place Waianae, Hawaii 96792 | EKAHI AIPA 87-198 Kaukamana Road, Unit B Waianae, Hawaii 96792 |

| | |
|---|---|
| <p>MAHINA AIPA 87-198 Kaukamana Road, Unit B Waianae, Hawaii 96792</p> | <p>ANNTOINETTE K. AKANA 86-355 Kauaopuu Street Waianae, Hawaii 96792</p> |
| <p>FRANK K. COSTA 86-355 Kauaopuu Street Waianae, Hawaii 96792</p> | <p>LOUIS K. AKANA III 91-1018 Haulele Street Kapolei, Hawaii 96707</p> |
| <p>LAWRENCE K. AKANA 86-355 Kauaopuu Street Waianae, Hawaii 96792</p> | <p>LORI K. YOMES 85-554 Momona Place Waianae, Hawaii 96792</p> |
| <p>GENESIS K. BELL 64-1041 Kamanawa Street Kamuela, Hawaii 96743</p> | <p>BARBARA MIKIALA BRAND P.O. Box 2990 Kamuela, Hawaii 96743</p> |
| <p>KRAUTH O. BRAND P.O. Box 1285 Pt. Reyes, California 94956</p> | <p>MARJORIE S. WHITE 133-A Boyd Lane Honolulu, Hawaii 96813</p> |
| <p>RAYMOND KAIPO CHING c/o Matsumoto Law Group LLC Pacific Guardian Center, Makai Tower 733 Bishop Street, Suite 2357 Honolulu, Hawaii 96813</p> | <p>FLOYD JEFFERSON PIPIKANE FITZGERALD P.O. Box 510023 Kealia, Hawaii 96751</p> |
| <p>DEBBIE LEILANI TOCHE aka DEBBIE L. FITZGERALD-TROCHE P.O. Box 510091 Kealia, Hawaii 96751</p> | <p>WILLIAM K. FITZGERALD 3039 Field Street Longview, Washi ngton 98632</p> |
| <p>GRACEELLEN K. CARVEIRO P.O. Box 678 Lawai, Hawaii 96765</p> | <p>KRISTINE HAWKINS FORSYTHE 55-518 Iosepa Street Laie, Hawaii 96762</p> |
| <p>DALTON K. FORSYTHE 633 S 180 E Smithfield, Utah 84335</p> | <p>DILLON KEIKEPONO FORSYTHE 1800 N 500 E Provo, Utah 94606</p> |
| <p>DAVID KEKOAMAICALANI FORSYTHE 1800 N 500 E Provo, Utah 94606</p> | <p>RONETE K.F. TAEOLII c/o Jordon J. Kimura, Esq. Five Waterfront Plaza, 4th Floor 500 Ala Moana Blvd. Honolulu, Hawaii 96813</p> |

| | |
|---|---|
| <p>ELSIE S. GANTE c/o Scott C. Suzuki Attorney-At-Law 1013 Poha Lane Honolulu, Hawaii 96826</p> | <p>FLORENCE N. BUSH P.O. Box 531 Hoolehua, Hawaii 96729</p> |
| <p>PEARL K. SANCHEZ P.O. Box 1096 Kaunakakai, Hawaii 96748</p> | <p>GUSSIE M. DUDOIT P.O. Box 531 Hoolehua, Hawaii 96729</p> |
| <p>VANESSA-ANN L. JOAO 20 Ualapue Place Kaunakakai, Hawaii 96748</p> | <p>JONETTE M. VISE 87-399 Kulawae Street Waianae, Hawaii 96792</p> |
| <p>RAYNETTE K. SAMUELSON 501 2nd Avenue SE Watford City, North Dakota 58854</p> | <p>ISAAC T. JOAO P.O. Box 285 Kualapuu, Hawaii 96757</p> |
| <p>JESSE C. JOAO 5417 Painted Sunrise Drive Las Vegas, Nevada 89149</p> | <p>HANAKEAKUA JOAO FARQUHAR 6 Sutton Place #6 Agawan, Massachusetts 01001</p> |
| <p>KALALANIAMAKALII JOAO P.O. Box 2434 Wailuku, Hawaii 96793</p> | <p>COOKIE KAPULANI JOSIAH c/o William E. Paupe, Jr., Esq. 46-001 Kamehemeha Hwy. #215 Kaneohe, Hawaii 96744</p> |
| <p>NORMAN QUINTIN KUKONA 94-746 Lumiauau Street CC#1 Waipahu, Hawaii 96797</p> | <p>ULULANI TANYA KE 74-549 Kahiohale Loop Kailua-Kona, Hawaii 96740</p> |
| <p>KAPONOPOMAIIKAIOLANI KUKONA 91-1362 Kekahili Street Kapolei, Hawaii 96707</p> | <p>KUULEIALOHALANI KUKONA 5189 Spencer Street Las Vegas, Nevada 89119</p> |
| <p>NORMAN KEOLA POHAKU KUKONA 94-434 Kiilani Street Mililani, Hawaii 96789</p> | <p>CHANELLE KANANI KUKONA-LUCERO 162 Desha Avenue Hilo, Hawaii 96720</p> |
| <p>DONNA M. AMINA, Personal Representative c/o Shawn H. Yamada, Esq. 121 Waianuenue Avenue Hilo, Hawaii 96720</p> | <p>ROSEMARIE NAKOA aka ROSE M. NAKOA 1463 Humuwili Place Kailua, Hawaii 96734</p> |

| | |
|--|--|
| ROSE KA`AIHUE 524 Nowela Place Kailua, Hawaii 96734 | MONA NOBRIGA P.O. Box 893 Kamuela, Hawaii 96743 |
| KANANI NAKOA 310 Spring Street Boonville, Missouri 65233 | SHONNA NAKOA-ONESS P.O. Box 245 Papaikou, Hawaii 96781 |
| JOSEPH NAKOA, JR. P.O. Box 127 Keaau, Hawaii 96749 | BETTY K. PUA P.O. Box 553 Kaunakakai, Hawaii 96748 |
| CHERISSA-LEE K. DESHANNON P.O. Box 553 Kaunakakai, Hawaii 96748 | LUKELA DONNE RUDDLE 1473 Mona Loop Hilo, Hawaii 96720 |
| CHERYL WILSON c/o Na`unanikina`u A. Kamali`i, Esq. 212 Merchant Street, Suite 330 Honolulu, Hawaii 96813 | SHARON HEALANI ALEXANDER 905 Santa Ana SE Albuquerque, New Mexico 87123 |
| ROBERT LOUIS ZALOPANY 45-1024 Anoi Road Kaneohe, Hawaii 96744 | ANALIA ANN FURMAN 45-1027 Anoi Road Kaneohe, Hawaii 96744 |

DATED: Honolulu, Hawaii, March 1, 2024.

/s/ Emily H. Kawashima

EMILY H. KAWASHIMA

Probate Special Master

EXHIBIT “3”

First Interim Report of the Special Master

EMILY H. KAWASHIMA, 6498-0
AAL, LLLC

Topa Financial Center
700 Bishop Street, Suite 1700
Honolulu, Hawaii 96813
Telephone No.: (808)744-4688
Facsimile No.: (888)777-5405
E-mail: emily@kawashimalaw.com

Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
14-MAR-2024
01:03 PM
Dkt. 111 RMSTR

PROBATE SPECIAL MASTER

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)

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR
INSTRUCTIONS #2, FILED ON
JANUARY 19, 2024; EXHIBITS
"1" - "2"; CERTIFICATE OF SERVICE**

Hearing:

Date: April 5, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #2**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate
Special Master to examine the Petition for Instructions #2, filed January 19, 2024 (the
"Petition"), and respectfully submits this Report.

I. INTRODUCTION

This Master was appointed by *Joint Order Adopting Settlement Special Master's
Findings and Recommendations and Appointing Probate Special Master* (the "Appointment

EXHIBIT "3"

Order”) [Dkt. 1617], filed on March 3, 2023, in *Kalima v. Hawaii*, Civ. No. 99-4771-12 LWC (“Kalima”), for the purposes set forth in the Appointment Order, as well as by the *Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings*, filed on December 29, 2023 [Dkt.12] (“Omnibus Order”), entered herein to examine and report on the Petitions for Instructions filed in this proceeding. The Omnibus Order requests that your Master: (1) examine and report findings and recommendations to the Court on all Petitions and on any other relevant matters in this Trust proceeding as deemed appropriate by the Master or the Court; (2) provide periodic status reports to the Court; and (3) address any outstanding issues contained in the Petitions or other pleadings filed in this proceeding.

This Report is filed pursuant to Rules 28 and 29 of the Hawaii Probate Rules.

Those appearing in these proceedings are Probate Special Counsel Scott C. Suzuki, Esq. and those proposed beneficiaries of the Trust Petitioners as noted below.

Your Master has examined the pleadings and their respective exhibits, in addition to other documents, most of which are listed below. Your Master has corresponded with some individuals and provides the following findings and recommendations.

II. DOCUMENTS EXAMINED AND OTHER RESEARCH

Your Master examined, among other things, the following pleadings and documents:

- Petition for Instructions #2, filed January 19, 2024, with Exhibits
- Notice of Hearing published in the Star Advertiser on February 5, 2024, February 12, 2024 and February 19, 2024.
- Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings, filed on December 29, 2023
- Kalima Qualified Settlement Trust, attached to the Omnibus Order (“QST”)

- Probate Plan, attached to the Omnibus Order
- Facilitator database, Epic Claims Administrator
- Exhibits and objections submitted to the Claims Administrator

A. Interviews

Your Master corresponded with a few individuals related to each Deceased Class Member as more fully outlined below.

B. Efforts to Locate Wills

Several of the deceased Class Members died intestate. In a typical probate proceeding seeking adjudication of intestacy, the Court will inquire about the efforts made to locate a Will. As this not a typical probate proceeding, the Claims Administrator Representative, Robert Coomes, filed a declaration on December 21, 2023, that details all of the efforts they have made to give notice to Class Members and the deceased Class Members' families. [Dkt. 3] They were asked to provide all relevant estate planning information and documents to the Claims Administrator. The same information is posted on the Kalima Lawsuit website that is available to the public. There is a toll-free phone number to contact the Claims Administrator. Given the number of notices and efforts made by the Claims Administrator, your Master believes that deceased Class Members' families have had ample notice to provide a Will or Trust for their decedent, if one exists.

Furthermore, the family will receive a copy of this Petition and if the decedent is noted to be intestate, but there actually is a Will, your Master expects the family to contact the Claims Administrator, your Master, Probate Special Counsel or to appear at the Court hearing.

III. BACKGROUND

As the Court is aware, the purpose of these Petitions for Instructions is to provide an efficient and cost-effective, yet accurate procedure to identify the proper heirs and devisees of those Kalima Class Members who are no longer living. Probate Special Counsel has researched each Deceased Class Member's family background based on self-reporting, database information, court records and oral history. Probate Special Counsel has also provided notice of the Probate Plan, Qualified Settlement Trust and notice of this hearing by U.S. Postal mail, publication of notice in the Honolulu Star-Advertiser and links to the documents on the Info-Kalima.com website.

Probate Special Counsel published Notice of the hearing on this Petition #2 in the Honolulu Star-Advertiser on February 5, 2024, February 12, 2024 and February 19, 2024. Your Master is satisfied that all interested parties were provided adequate notice of this hearing and that jurisdiction and venue are proper pursuant to HRS §554D-201-203.

IV. DECEASED CLASS MEMBERS

Your Master has reviewed the circumstances for each named Deceased Class member and provides the following findings and recommendations:

A. WILLIAM KALAEMAKANI AHIA, JR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master also reviewed the Letters of Administration that were issued in December 2006, in P. No 06-1-0402 in the Third Circuit, State of Hawaii. Exhibit "A" of Petition #2. As stated by the Petitioner, Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the probate proceeding. As this was an intestacy proceeding, your Master agrees that the distribution should be made in accordance with the intestacy statutes.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the decedent's children as follows: **JENNIFER L. AHIA, Personal Representative of the Estate of WILLIAM K. AHIA III (Post-Deceased), SAMUEL K. AHIA, ALFRED A.D. AHIA and ROBERT K. AHIA.**

B. HAROLD ALEXANDER AHUNA, SR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Clara P. Ahuna.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. However, the decedent's surviving spouse died after the decedent. There were no Wills submitted for Harold Ahuna, Sr. or Clara P. Ahuna. They had four children, one of whom died after her parents. That child has a surviving child.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to: **ALEX "BUNNY" AHUNA, MARK "MARKO" AHUNA, WAYNE "WINGUS" AHUNA and RENI YANO (Descendant of CECILIA MAHINA KAAI).**

C. JOSEPH PETER AHUNA

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Gladys Kuulei Puakalehua Enos. The family sent in the first page of what appears to be the decedent's Last Will and Testament and his power of attorney. A true and correct copy is attached as Exhibit

“1.” Because we do not have a complete copy of the attached Will, this must be treated as an intestacy.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. However, the decedent’s surviving spouse died after the decedent. The surviving spouse’s estate is entitled to the settlement funds. However, since she also died intestate, the settlement would pass to her heirs at law.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed in equal shares to the heirs of **GLADYS KUULEI PUKALEHUA PUALOA-AHUNA** (Post-Deceased): **WILLIE PUALOA III, RICHARD PUALOA, LANI CHASE, VERLA MOORE, UILANI PUALOA, IPOLANI TANO, and NOELANI PUALOA-UBANDO.**

D. STANLEY MANU AH TONG AIKALA

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Joan Kekaulike Papa.

The only document provided was a Certificate of Trust. A true and correct copy is attached as Exhibit “2.” Your Master contacted Mrs. Aikala on March 5, 2024 to inquire whether she had a copy of her husband’s Will. She informed me that she had no interest in receiving any settlement funds and has told several people this previously. Your Master asked if she was sure, since she is entitled to the funds. She asked that she not be contacted again about this topic and that she is sure she does not want any funds. She also informed that she would hire an attorney if we did not stop contacting her.

Your Master then contacted the estate planning attorneys who are listed on the Certificate of Trust, Richard J. Sakoda, Esq., with Sterling and Tucker, LLP. Your Master explained the circumstances and requested a copy of any Will or long form of Trust to see if there were other interested parties involved. On or about March 8, 2024, Mr. Sakoda informed your Master that Mrs. Aikala would not authorize their office to release copies of Mr. Aikala's long form Trust or Will. She reiterated that she does not want the Kalima settlement money and she does not want to be contacted or bothered about it. Mr. Sakoda asked her to submit something in writing to confirm that she does not want the Kalima award.

On March 12, 2024, your Master contacted Mr. Sakoda and asked him to inform Mrs. Aikala of the settlement award amount and to again confirm that she is refusing these funds. He advised that he informed Mrs. Aikala of the award and she still refused the funds. She told him that she was putting a letter in the mail to confirm her refusal. To date, your Master has not received written confirmation, but the correspondence with Mr. Sakoda satisfies your Master that Mrs. Aikala is disclaiming her husband's settlement funds.

At this point, your Master finds and recommends that the settlement award for Mr. Aikala be returned to the general settlement fund, to be redistributed to class members at a later date should there be a surplus.

E. NELLIE NAHALA AINA

Your Master and Probate Special Counsel were informed by the Claims Administrator after Petition #2 was filed, that this decedent does not have a valid claim and her name was inadvertently included as a Deceased Class Member.

Your Master therefore respectfully requests that **NELLIE NAHALA AINA**, be stricken from Petition #2.

F. ABRAHAM AIONA

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master also reviewed the Will of the decedent which was executed on or about August 31, 2000 and probated under P. No 02-1-0144 in the First Circuit Court, State of Hawaii. Exhibit "F" of Petition #2. The Will directs the residue to be distributed to the Trust agreement, dated October 16, 1991. The Order Granting Petition for Formal Probate of Will and Formal Appointment of Personal Representative, filed June 25, 2002, names **ABRAHAM K. AIONA** as the Successor Trustee.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **ABRAHAM K. AIONA, Trustee of the Abraham Aiona Revocable Living Trust Agreement dated October 16, 1991.**, for distribution consistent with the Trust terms.

G. QUINTIN GARY AIONA

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Myrna Naomi Kelekolio, now known as **MYRNA N. AIONA**. The information provided by the family indicates that the decedent and the surviving spouse have three children.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the entire intestate estate. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's surviving spouse, **MYRNA N. AIONA**.

H. CHARLES NUHI AIPIA JR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Beverly Masako Yamamoto, now known as Beverly Masako Aipia.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's surviving spouse, **BEVERLY MASAKO AIPIA**.

I. MARCIA HAUNANI UWEKOOLANI AKAHI

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced.

Pursuant to HRS §560:2-103, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the

decedent's surviving children: **ERNESTINE AKAHI, LLOYDE AKAHI and JASON AKAHI.**

J. BRIAN KEOLAONAPAEMOKU AKANA

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Never Married.

Pursuant to HRS §560:2-103, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation and if none, to the decedent's parents equally if both survive, or to the surviving parent.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the decedent's surviving parents: **HEATHER K. MINTON and NICHOLAS K. AKANA.**

K. GEORGE AKANA SR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. Your Master also reviewed the obituaries of Ione Akana and George Akana, Jr., both of whom died after the decedent. Exhibit "G" of Petition #2.

Your Master contacted the decedent's brother Kevin Akana on or about March 5, 2024 and he confirmed that his parents were divorced when his father died.

Pursuant to the laws of intestacy, the Decedent's entire estate would be distributed to his surviving descendants. Deceased child George Akana, Jr. is survived by two adult grandchildren, each of whom will share their father's distribution equally.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and

convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to the intestate heirs of GEORGE AKANA, SR., in the following proportions:

KEVIN M. AKANA – ONE-HALF (1/2)
GEORGE AKANA III - ONE-FOURTH (1/4) (Descendant of George Akana, Jr.)
KOA AKANA - ONE-FOURTH (1/4) (Descendant of George Akana, Jr.)

L. AMY CHARLOTTE KAELEHIWA AKAO

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to **ERNEST AKAO**.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. However, since the decedent’s surviving spouse died after the decedent, the surviving spouse’s estate is entitled to the settlement funds. Since he also died intestate, the settlement would go to his heirs at law.

Your Master spoke with Lehi Brown on March 13, 2024. He is the named family representative for the deceased Class Member. He shared that Amy Akao and Ernest Akao were married but estranged for several years and lived on different islands. Mr. Brown mentioned they may have been divorced. Your Master searched the JEFS court records and could not locate any divorce proceedings under either name. Mr. Brown is the decedent’s son from a prior relationship and voiced disappointment that Mr. Akao’s children from a prior relationship would be receiving the settlement funds. Your Master explained that we are bound by the intestacy laws and asked if he had any knowledge of his mother having a Will. He said he could not locate one.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the heirs at law of **ERNEST AKAO** (Post-Deceased): **ANDREW AKAO, DAVID AKAO, IPOLANI WRIGHT, NOHEALANI TUCKER, ANELALANI AKAO,** and **HOLLY AKAO.**

M. JOSEPH AKEAU AKAU

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Ramona Esther Cummings, now known as **RAMONA AKAU.** The information provided by the family indicates that the decedent and the surviving spouse have three children.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the entire intestate estate. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's surviving spouse, **RAMONA AKAU.**

N. LEONARD A. AKAU

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Elaine M. P. Isaacs, now known as **ELAINE M.P. AKAU.**

Your Master also reviewed the Will of the decedent which was executed on or about August 24, 1993 and filed in the First Circuit Court, State of Hawaii as well as the Leonard A Akau Trust, dated August 24, 1993. Exhibit "I" of Petition #2.

The Will directs the residue to be distributed to the Trust which names **ELAINE MAILE JUULEI PIILANI ISAACS AKAU** as the Successor Trustee.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **ELAINE MAILE KUULEI PIILANI ISAACS AKAU, Trustee of the Leonard A. Akau Trust dated August 24, 1993**, for distribution consistent with the Trust terms.

O. THELMA AKAU

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to APITAI AKAU, JR.

Your Master also reviewed the Will of the decedent which was executed on or about May 11, 1993, the First Codicil executed on or about May 13, 1994, and filed in the First Circuit Court, State of Hawaii as well as the Leonard A Akau Trust, May 13, 1994 and the Thelma May Akau Revocable Living Trust, dated May 11, 1993. Exhibit "J" of Petition #2.

The Will directs the residue to be distributed to the Trust which names **APITAI AKAU, JR.**, as the Successor Trustee.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and

convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to **APITAI AKAU, JR., Trustee of the Thelma May Akau Revocable Living Trust dated May 11, 1993, as amended**, for distribution consistent with the Trust terms.

P. GORDON KANANI AKEN, SR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Helen Leimomi Tabangcora, now known as **HELEN L. AKEN**. The information provided by the family indicates that the decedent and the surviving spouse have five children.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the entire intestate estate. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent’s surviving spouse, **HELEN L. AKEN**.

Q. JAMES KUU IPOALOHA AWEAU

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Blossom Lima, now known as **BLOSSOM M. AWEAU**. The information provided by the family indicates that the decedent and the surviving spouse have five children.

Your Master also reviewed the Short Form Trust Agreement of the James K. Aweau Revocable Living Trust, dated July 4, 2003. Exhibit “K” of Petition #2. James K. Aweau and Blossom M. Aweau are appointed as Co-Trustees.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to **TRUSTEE OF THE JAMES K. AWEAU REVOCABLE LIVING TRUST**, for distribution consistent with the Trust terms. Blossom Aweau contacted your Master and indicated that she will be present at the hearing by Zoom video.

R. SAMUEL KAHAKUMAKA AWEAU, JR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Laura Siu En Ching, now known as **LAURA C. AWEAU**.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. However, since the decedent’s surviving spouse died after the decedent, the surviving spouse’s estate is entitled to the settlement funds. Since she also died intestate, the settlement would go to her heirs at law.

Your Master spoke with Keith Aweau on March 13, 2024 who confirmed that he and his sister were the only surviving children of both parents and that they searched for and could not locate a Will for either parent.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the heirs-at-law of **LAURA C. AWEAU: KEITH S. AWEAU and PAMELA SAKUMA.**

S. NELSON KALANIPOO AWO

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced.

Pursuant to HRS §560:2-103, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the decedent's surviving children: **PUUONEOMAKAPUU N. JOHNSON, KAPIOLANI N. AWO, KALAPANA K. GARRETT, and GEORGE K. AWO.**

T. RUTH LUKA POAIPUNI

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. Your Master reviewed the Order Granting Petition for Adjudication of Intestacy and Appointment of Personal Representative and the Letters of Administration, both filed in the probate matter P. No. 2CLP-23-0000078, on July 26, 2023. Exhibit "L" of Petition #2.

JONAH J. POAIPUNI, JR. was appointed Personal Representative on or about July 26, 2023, in the Circuit Court of the Second Circuit, State of Hawaii. Letters of Administration were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **JONAH J. POAIPUNI, JR.**, Personal Representative of the Estate of **RUTH LUKA POAIPUNI**, also known as RUTH LUKA KAIMIKAUA POAIPUNI, also known as RUTH L. POAIPUNI, Deceased.

V. CONCLUSION

WHEREFORE, your Master recommends and prays as follows:

- A. That the Court approve and adopt this Master's Report Re: Petition for Instructions #2;
- B. That the Court grant the Petition for Instructions #2, filed January 19, 2024;
- C. That the Court find that jurisdictional requirements have been met and venue is proper;
- D. That the Court find that, as far as known, all persons necessary to an adjudication of this matter are parties hereto and shall be bound by all orders arising from this Petition and the Court find that there is no need to appoint a guardian ad litem to represent the interests of unknown or unascertained contingent remainder beneficiaries;
- E. That the Court authorize and Order the Claims Administrator to follow the distributions as outlined in this Report;
- F. That the Court award the Petitioner's reasonable attorneys' fees and costs to be paid by the Trust and deducted from the above beneficiaries' distributions on a pro rata basis, subject to the filing of an affidavit or declaration;

G. That the Court grant reasonable Master's fees and costs, to be paid by the Trust and deducted from the above beneficiaries' distributions on a pro rata basis, subject to the filing of an affidavit or declaration;

H. That the Court enter judgment as to this Petition pursuant to Hawaii Probate Rule 34(a) accordingly; and

I. Grant such other and further relief as this Court may deem just and equitable.

DATED: Honolulu, Hawaii, on March 14, 2024.

/s/ Emily H. Kawashima
EMILY H. KAWASHIMA
PROBATE SPECIAL MASTER

*THE
LAST WILL AND TESTAMENT
OF*

Joseph Peter Ahuna Sr.

I, Joseph Peter Ahuna Sr., a resident of the State of Hawaii, County of Hawaii, and City of Kailua Kona; and being of sound mind, do hereby make, publish and declare this to be my Last Will and Testament, thereby, revoking and making null and void any and all other Last Wills and Testaments and/or Codicils to Last Wills and Testaments heretofore made by me. All references herein to this Will shall be construed as referring to this Last Will and Testament only.

FAMILY CLAUSE

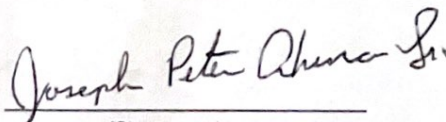
At the time of executing this Last Will and Testament, I am married to Gladys K. Pualoa-Ahuna. The names of my children are listed below. If I do not leave any property to any of my children, my failure to do so is intentional.

Iwalani Ahuna
Joseph P.H. Ahuna Jr.
Renee Cabrinha
Kekoa Ahuna

RESIDENCY CLAUSE

Having in mind the possibility that I may temporarily reside outside of, or simply be absent from the State of Hawaii, County of Hawaii, and City of Kailua Kona, at the time of my death, I elect and hereby declare that this Will and each and every disposition and provision contained herein shall be construed and regulated by and in accordance with the laws of said State of Hawaii. It is my desire that this Will be probated in the State of Hawaii, my place of domicile, and that the principal administration of my Estate be made in said State of Hawaii

Page 1 of my Last Will and Testament



(Signature)

#1765815_DOC

EXHIBIT "1"

EXHIBIT "3"

COPY

This
CERTIFICATE OF TRUST
prepared for
STANLEY M. A. T. AIKALA
and
JOAN K. AIKALA

Sterling & Tucker
820 Mililani Street, 4th Floor
Honolulu, HI 96813
Oahu: (808) 531-5391 FAX (808) 538-3949
Neighbor Island: (800) 807-3820
www.sterlingandtucker.com

EXHIBIT "2"

EXHIBIT "3"

Certificate of Trust

The undersigned Trustors and Trustees hereby certify the following:

1. This Certificate of Trust refers to that certain unrecorded trust agreement known as the STANLEY M. A. T. AND JOAN K. AIKALA LIVING TRUST, dated November 10, 1999, as amended and restated on JUN 15 2004 by STANLEY M. A. T. AIKALA and JOAN K. AIKALA, as Trustors, and the following initial Trustees:

STANLEY M. A. T. AIKALA
JOAN K. AIKALA

2. Section 4 of Article Three of the Trust provides, in relevant part, as follows:

- a. **Vacancy in Position of Trustee While We Are Both Alive and Competent**

We may serve as the only Trustees, or we may name any number of Trustees to serve with us. If any of these other Trustees subsequently fails or ceases to serve as a Trustee for any reason, we may or may not appoint another to fill the vacancy as we both agree.

- b. **Vacancy in Position of Trustee While One of Us Is Alive and Competent**

If only one of us is living and competent and a Trustee position becomes vacant, or such Trustor desires to appoint a Co-Trustee, then that one of us may or may not appoint another Trustee.

- c. **Successor Trustees**

If either STANLEY M. A. T. AIKALA or JOAN K. AIKALA should die, resign, refuse to serve, be removed, become incapacitated and/or for any reason(s) be unable or unwilling to serve, then the remainder of them, if able and willing to serve, shall continue to serve alone as Trustee.

If both STANLEY M. A. T. AIKALA and JOAN K. AIKALA should die, resign, refuse to serve, be removed, become incapacitated and/or for any reason(s) be unable or unwilling to serve, then FIRST HAWAIIAN BANK shall serve as successor Trustee.

3. Unless otherwise provided in our Trust Agreement, when either one or both of the Trustors are serving as Trustee under our Trust, that either one or both of the Trustors acting as Trustee may conduct business and act on behalf of our Trust without the consent of any other Trustees. The Trustors are the primary beneficiaries under our Trust Agreement.

4. Our Trustees under our Trust Agreement are authorized to exercise all powers conferred upon Trustees by law and to enter into all types of accounts at banks, savings and loan associations, credit unions, and other financial institutions; to enter into loans both unsecured and secured by trust assets; to be the beneficiary of insurance, pension and profit sharing plans, credit unions, and other beneficiary-type assets; to buy, hold, invest and reinvest in the name of the Trustee, Trust or other nominee in certificate of deposits, money market funds, stocks, bonds, mutual funds, and securities of all types; to acquire, sell, convey, encumber, lease, borrow, manage and otherwise deal with interests in real and personal property, including any undivided interest in same, in trust name. All powers of our Trustees are fully set forth in Article Fourteen of our Trust Agreement.
5. Our Trust has not been revoked and there have been no amendments limiting the powers of our Trustees over trust property.
6. No person or entity paying money to or delivering property to our Trustee shall be required to see to its application. All persons relying on this document regarding our Trustee(s) and their powers over trust property shall be held harmless for any resulting loss or liability from such reliance. A copy of this Certificate of Trust shall be just as valid as the original.

The undersigned certify that the statements in this Certificate of Trust are true and correct and that it was executed on JUN 15 2004.

Trustors:

Stanley MAT Aikala
STANLEY M. A. T. AIKALA

Joan K. Aikala
JOAN K. AIKALA

Trustees:

Stanley MAT Aikala
STANLEY M. A. T. AIKALA

Joan K. Aikala
JOAN K. AIKALA

STATE OF HAWAII

)

SS

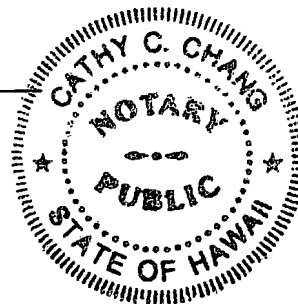
CITY & COUNTY OF HONOLULU

)

On this JUN 15 2004, before me personally appeared STANLEY M. A. T. AIKALA and JOAN K. AIKALA, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Cathy C. Chang

CATHY C. CHANG
Notary Public, State of Hawaii
My Commission Expires: Jan. 30, 2008



CERTIFICATE OF TRUST

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)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a file-marked copy of the foregoing document will be duly served by depositing the same in the United States Mail, postage prepaid, on the following identified interested person(s) immediately after filing.

JENNIFER L. AHIA
c/o David B.M. Ka`apu, Esq.
75-5751 Kuakini Hwy., Suite 201
Kailua-Kona, Hawaii 96740

JOHNETTE “PAKE” WONG
41-616 Poalima Street
Waiamanalo, Hawaii 96795

ERNESTINE AKAHI
205 Naniloa Drive
Wailuku, Hawaii 96793

SAMUEL K. AHIA
87-3596 Mamalahoa Highway
Captain Cook, Hawaii 96704

JEFFREY HEWAHEWA AIONA
1543 Dublin Lane
Escondido, California 92027

LLOYDE AKAHI
3851 Wynn Road, Apt. 1091
Las Vegas, Nevada 89103

ALFRED A.D. AHIA
303 Iwalani Street
Hilo, Hawaii 96720

ABRAHAM KAMAUNU AIONA
41-056 Hinalea Street
Waimanalo, Hawaii 96795

JASON AKAHI
33 Maluhia Drive, Apt. B
Wailuku, Hawaii 96793

ROBERT K. AHIA
P.O. Box 11
Papaikou, Hawaii 96781

MYRNA N. AIONA
16 Paipai Street
Hilo, Hawaii 96720

HAROLD “BUNNY” AHUNA, JR.
41-483 Kalanianaʻole Highway
Waimanalo, Hawaii 96795

NICHOLAS K. AKANA
99-440 Pawa Way
Mililani, Hawaii 96789

DEYVIN-MICOLE K. AIONA
16 Paipai Street
Hilo, Hawaii 96720

WAYNE “WINGUS” AHUNA
41-483 Kalanianaʻole Highway
Waimanalo, Hawaii 96795

GEORGE AKANA III
91-220 Oahehe Way
Kapolei, Hawaii 96707

BEVERLY M. AIPIA
P.O. Box 417
Kamuela, Hawaii 96743

VERLA MOORE
55-545 Naniiloa Loop
Laie, Hawaii 96762

NEPHI P. BROWN
P.O. Box 383438
Waikoloa, Hawaii 96738

WYNELLE U. PLACE
P.O. Box 1805
Kaunakakai, Hawaii 96748

IPOLANI WRIGHT
HC 2 Box 6856
Keeau, Hawaii 96749

HEATHER K. MINTON
16538 Beach Drive NE
Lake Forest Park, WA 98155

DEYSON QUINTIN K. AIONA
107 Oluolu Street
Hilo, Hawaii 96720

MARK “MARKO” AHUNA
41-483 Kalanianaʻole Highway
Waimanalo, Hawaii 96795

KEVIN M. AKANA
209 Hao Street
Honolulu, Hawaii 96821

DEYSHA-RAE N. AIONA
1823 Kalani Street, Apt. 4
Honolulu, Hawaii 96819

RENI YANO
41-172 Poliala Street
Waimanalo, Hawaii 96795

KOA AKANA
688 Kinoole Street, Suite 112
Hilo, Hawaii 96720

DONALD K. AIPIA
85-339 Kohai Place
Waianae, Hawaii 96792

JOAN KEKAULIKE AIKALA
15 Craigsides Place, Apt. 313
Honolulu, Hawaii 96817

LEHI WILFRED K. BROWN
459 East Kahaopea Street
Hilo, Hawaii 96720

DONNA LEILANI AKAU
530 Olomana Street
Kailua, Hawaii 96734

LEANNE AKEN
86-263 Hokuaea Place
Waianae, Hawaii 96792

LENETTE IWALANI MAKAHILAHILA
750 Ululani Street
Kailua, Hawaii 96734

ANELALANI AKAO
85-134 Maiuu Road
Waianae, Hawaii 96792

BETH L. AWEAU
91-1036 Ualakupu Street
Kapolei, Hawaii 96709

BRADLEY AKAU
HC 2 Box 6464
Keeau, Hawaii 96749

RAMONA AKAU
87-126 Laanui Street
Waianae, Hawaii 96792

SCOTT AWEAU
91-1036 Ualakupu Street
Kapolei, Hawaii 96707

HELEN L. AKEN
86-263 Hokuaea Place
Waianae, Hawaii 96792

DANIEL B. AKAU
5313 Ulumalu Street
Kailua, Hawaii 96734

KEITH S. AWEAU
1427 Ehupua Street
Honolulu, Hawaii 96821

REED AKEN
86-263 Hokuaea Place
Waianae, Hawaii 96792

NOHEALANI TUCKER
84-754 Ala Mahiku Street, Unit 51A
Waianae, Hawaii 96792

BLOSSOM M. AWEAU
P.O. Box 5451
Kaneohe, Hawaii 96744

APITAI AKAU, JR.
862 Haihai Street
Hilo, Hawaii 96720

HOLLY AKAO
85-134 Maiuu Road
Waianae, Hawaii 96792

JEFFREY AWEAU
2817 Koea Place
Makawao, Hawaii 96768

CHARMAINE CHINEN
HC 2 Box 6465
Keeau, Hawaii 96749

JILL PUANANI RODRIGUES
87-126 Laanui Street
Waianae, Hawaii 96792

LAURIE NII
84-1054 A Farrington Hwy.
Waianae, Hawaii 96792

GORDON K. AKEN, JR.
86-263 Hokuaea Place
Waianae, Hawaii 96792

DANETTE KAAHANUI
91-1037 Koanimakani Street
Kapolei, Hawaii 96792

PAMELA SAKUMA
91-1028 Kahiuka Street
Ewa Beach, Hawaii 96706

ELAINE M.P. AKAU
530 Olomana Street
Kailua, Hawaii 96734

CHAD AKEN
86-263 Hokuaea Place
Waianae, Hawaii 96792

WYMAN AWEAU
321 Deptford Road
Glassboro, New Jersey 08028

ALEXANDER L. AKAU
530 Olomana Street
Kailua, Hawaii 96734

JOCELYN AKEN
86-263 Hokuaea Place
Waianae, Hawaii 96792

PUUONEOMAKAPUU N. JOHNSON
41-890 Kalaniana'ole Hwy.
Waimanalo, Hawaii 96795

KAPIOLANI N. AWO
5666 Carolyn Drive
North Ridgeville, Ohio 44039

KALAPANA K. GARRETT
1336 S. Washington Street
Kennewick, Washington 99337

GEORGE K. AWO
45-077 Waikalua Road #D
Kaneohe, Hawaii 96744

JONAH JOE POAIPUNI JR.,
c/o Na`unanikina`u A. Kamali`i, Esq.
212 Merchant Street, Suite 330
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, March 14, 2024.

/s/ Emily H. Kawashima

EMILY H. KAWASHIMA
Probate Special Master

EMILY H. KAWASHIMA, 6498-0
AAL, LLLC

Topa Financial Center
700 Bishop Street, Suite 1700
Honolulu, Hawaii 96813
Telephone No.: (808)744-4688
Facsimile No.: (888)777-5405
E-mail: emily@kawashimalaw.com

Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
25-MAR-2024
10:07 AM
Dkt. 133 SUP

PROBATE SPECIAL MASTER

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)

**SECOND SUPPLEMENT TO PROBATE
SPECIAL MASTER'S REPORT RE:
PETITION FOR INSTRUCTIONS #2,
FILED ON JANUARY 19, 2024;
CERTIFICATE OF SERVICE**

Hearing:

Date: April 5, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**SECOND SUPPLEMENT TO PROBATE SPECIAL MASTER'S REPORT
RE: PETITION FOR INSTRUCTIONS #2, FILED ON JANUARY 19, 2024**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate
Special Master to examine the Petition for Instructions #2, filed January 19, 2024 (the
"Petition"), and respectfully submits this Second Supplement to Master's Report, filed March
14, 2024.

EXHIBIT "3"

L. **AMY CHARLOTTE KAELEHIWA AKAO**

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to **ERNEST AKAO**.

Your Master spoke with Lehi Brown on March 13, 2024. He is the named family representative for the deceased Class Member. He shared that Amy Akao and Ernest Akao were married but estranged for several years and lived on different islands. Mr. Brown mentioned they may have been divorced. Your Master searched the JEFS court records and could not locate any divorce proceedings under either name. Mr. Brown is the decedent's son from a prior relationship and voiced disappointment that Mr. Akao's children from a prior relationship would be receiving the settlement funds. Your Master explained that we are bound by the intestacy laws and asked if he had any knowledge of his mother having a Will. He said he could not locate one.

On or about March 21, 2024, the decedent's son, Nephi Pomaikai Brown, emailed your Master and provided a copy of the decedent's Last Will and Testament. Mr. Brown said that his brother, Lehi Brown, was unaware that the decedent gave Nephi the Will. The Will appears to be validly executed and at Paragraph Ten, names her two children as the devisees of the residue of the estate.

On the basis of the foregoing, your Master changes her original findings and recommendations and now finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to her two children, **LEHI WILFRED KEKOOLANI BROWN and NEPHI POMAIKAI BROWN**.

//

//

DATED: Honolulu, Hawaii, on March 25, 2024.

/s/ Emily H. Kawashima
EMILY H. KAWASHIMA
PROBATE SPECIAL MASTER

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)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a file-marked copy of the foregoing document will be duly served by depositing the same in the United States Mail, postage prepaid, on the following identified interested person(s) immediately after filing.

JENNIFER L. AHIA
c/o David B.M. Ka`apu, Esq.
75-5751 Kuakini Hwy., Suite 201
Kailua-Kona, Hawaii 96740

JOHNETTE “PAKE” WONG
41-616 Poalima Street
Waiamanalo, Hawaii 96795

ERNESTINE AKAHI
205 Naniloa Drive
Wailuku, Hawaii 96793

SAMUEL K. AHIA
87-3596 Mamalahoa Highway
Captain Cook, Hawaii 96704

JEFFREY HEWAHEWA AIONA
1543 Dublin Lane
Escondido, California 92027

LLOYDE AKAHI
3851 Wynn Road, Apt. 1091
Las Vegas, Nevada 89103

ALFRED A.D. AHIA
303 Iwalani Street
Hilo, Hawaii 96720

ABRAHAM KAMAUNU AIONA
41-056 Hinalea Street
Waimanalo, Hawaii 96795

JASON AKAHI
33 Maluhia Drive, Apt. B
Wailuku, Hawaii 96793

ROBERT K. AHIA
P.O. Box 11
Papaikou, Hawaii 96781

MYRNA N. AIONA
16 Paipai Street
Hilo, Hawaii 96720

HAROLD “BUNNY” AHUNA, JR.
41-483 Kalanianaʻole Highway
Waimanalo, Hawaii 96795

NICHOLAS K. AKANA
99-440 Pawa Way
Mililani, Hawaii 96789

DEYVIN-MICOLE K. AIONA
16 Paipai Street
Hilo, Hawaii 96720

WAYNE “WINGUS” AHUNA
41-483 Kalanianaʻole Highway
Waimanalo, Hawaii 96795

GEORGE AKANA III
91-220 Oahehe Way
Kapolei, Hawaii 96707

BEVERLY M. AIPIA
P.O. Box 417
Kamuela, Hawaii 96743

VERLA MOORE
55-545 Naniiloa Loop
Laie, Hawaii 96762

NEPHI P. BROWN
P.O. Box 383438
Waikoloa, Hawaii 96738

LEHI WILFRED K. BROWN
459 East Kahaopea Street
Hilo, Hawaii 96720

DONNA LEILANI AKAU
530 Olomana Street
Kailua, Hawaii 96734

HEATHER K. MINTON
16538 Beach Drive NE
Lake Forest Park, WA 98155

DEYSON QUINTIN K. AIONA
107 Oluolu Street
Hilo, Hawaii 96720

MARK “MARKO” AHUNA
41-483 Kalanianaʻole Highway
Waimanalo, Hawaii 96795

KEVIN M. AKANA
209 Hao Street
Honolulu, Hawaii 96821

DEYSHA-RAE N. AIONA
1823 Kalani Street, Apt. 4
Honolulu, Hawaii 96819

RENI YANO
41-172 Poliala Street
Waimanalo, Hawaii 96795

KOA AKANA
688 Kinoole Street, Suite 112
Hilo, Hawaii 96720

DONALD K. AIPIA
85-339 Kohai Place
Waianae, Hawaii 96792

WYNELLE U. PLACE
P.O. Box 1805
Kaunakakai, Hawaii 96748

IPOLANI WRIGHT
HC 2 Box 6856
Keeau, Hawaii 96749

LEANNE AKEN
86-263 Hokuarea Place
Waianae, Hawaii 96792

NOHEALANI TUCKER
84-754 Ala Mahiku Street, Unit 51A
Waianae, Hawaii 96792

BLOSSOM M. AWEAU
P.O. Box 5451
Kaneohe, Hawaii 96744

APITAI AKAU, JR.
862 Haihai Street
Hilo, Hawaii 96720

HOLLY AKAO
85-134 Maiuu Road
Waianae, Hawaii 96792

JEFFREY AWEAU
2817 Koea Place
Makawao, Hawaii 96768

CHARMAINE CHINEN
HC 2 Box 6465
Keeau, Hawaii 96749

JILL PUANANI RODRIGUES
87-126 Laanui Street
Waianae, Hawaii 96792

LAURIE NII
84-1054 A Farrington Hwy.
Waianae, Hawaii 96792

GORDON K. AKEN, JR.
86-263 Hokuaea Place
Waianae, Hawaii 96792

DANETTE KAAHANUI
91-1037 Koanimakani Street
Kapolei, Hawaii 96792

PAMELA SAKUMA
91-1028 Kahiuka Street
Ewa Beach, Hawaii 96706

LENETTE IWALANI MAKAHILAHILA
750 Ululani Street
Kailua, Hawaii 96734

ANELALANI AKAO
85-134 Maiuu Road
Waianae, Hawaii 96792

BETH L. AWEAU
91-1036 Ualakupu Street
Kapolei, Hawaii 96709

BRADLEY AKAU
HC 2 Box 6464
Keeau, Hawaii 96749

RAMONA AKAU
87-126 Laanui Street
Waianae, Hawaii 96792

SCOTT AWEAU
91-1036 Ualakupu Street
Kapolei, Hawaii 96707

HELEN L. AKEN
86-263 Hokuaea Place
Waianae, Hawaii 96792

DANIEL B. AKAU
5313 Ulumalu Street
Kailua, Hawaii 96734

KEITH S. AWEAU
1427 Ehupua Street
Honolulu, Hawaii 96821

REED AKEN
86-263 Hokuaea Place
Waianae, Hawaii 96792

ELAINE M.P. AKAU
530 Olomana Street
Kailua, Hawaii 96734

CHAD AKEN
86-263 Hokuaea Place
Waianae, Hawaii 96792

WYMAN AWEAU
321 Deptford Road
Glassboro, New Jersey 08028

ALEXANDER L. AKAU
530 Olomana Street
Kailua, Hawaii 96734

JOCELYN AKEN
86-263 Hokuaea Place
Waianae, Hawaii 96792

PUUONEOMAKAPUU N. JOHNSON
41-890 Kalaniana'ole Hwy.
Waimanalo, Hawaii 96795

KAPIOLANI N. AWO
5666 Carolyn Drive
North Ridgeville, Ohio 44039

KALAPANA K. GARRETT
1336 S. Washington Street
Kennewick, Washington 99337

GEORGE K. AWO
45-077 Waikalua Road #D
Kaneohe, Hawaii 96744

JONAH JOE POAIPUNI JR.,
c/o Na`unanikina`u A. Kamali`i, Esq.
212 Merchant Street, Suite 330
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, March 25, 2024.

/s/ Emily H. Kawashima

EMILY H. KAWASHIMA
Probate Special Master

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

LEONA KALIMA, et al.,

Plaintiffs,

vs.

STATE OF HAWAI'I, et al.,

Defendants.

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

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing will be served on the following parties by the court's JEFS on the date of filing.

ANNE E. LOPEZ
Attorney General, State of Hawai'i

CRAIG Y. IHA
JORDAN A.K. CHING
Deputy Attorneys General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

LINDA LEE K. FARM
DONNA H. KALAMA

Special Deputy Attorneys General
Farm Benedict Sugihara
Bishop Street Tower, Suite 1601
700 Bishop Street
Honolulu, Hawai'i 96813

ATTORNEYS FOR STATE DEFENDANTS

DATED: Honolulu, Hawai'i, April 15, 2024.

/s/ Michael F. Broderick
Hon. Michael F. Broderick (Retired)
SPECIAL MASTER