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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 #4, FILED ON  
FEBRUARY 9, 2024; EXHIBITS "1" –  
"4"; CERTIFICATE OF SERVICE**

Hearing:

Date: May 17, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S  
REPORT RE: PETITION FOR INSTRUCTIONS #4**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate Special Master to examine the Petition for Instructions #4, filed February 9, 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 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 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 the 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 #4, filed February 9, 2024, with Exhibits;
- Notice of Hearing published in the Star-Advertiser on March 1, 2024, March 8, 2024, and March 15, 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; and
- Exhibits and objections submitted to the Claims Administrator.

**A. Interviews**

Your Master corresponded with a few individuals related to each Deceased Class Member as 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 to locate a Will. As this is not a typical probate proceeding, the Claims Administrator Representative, Robert Coomes, filed a declaration on December 21, 2023, detailing 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. 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 #4 in the Honolulu Star-Advertiser on March 1, 2024, March 8, 2024, and March 15, 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) EVANGELINE ROSE LOKE KALEIOHI EVANS**

Your Master reviewed the facts contained in Petition #4, as well as the data provided in the Facilitator database and independent research. The decedent's death certificate lists marital status as Widow(er). After Petition #4 was filed, the family representative, Dorothea Lee Evans, sent an email to the Claims Administrator, updating the family information. Ms. Evans noted that she has three living siblings and one deceased sibling. A true and correct copy of the email is attached as Exhibit "1."

Your Master spoke with Ms. Evans on or about April 2, 2024, and she confirmed the names and addresses of her siblings. She also confirmed that her brother David died with two surviving adult daughters. Finally, she confirmed that her mother did not have a Will, therefore the laws of intestacy should apply here.

Pursuant to the laws of intestacy, the Decedent's entire estate would be distributed to her surviving descendants 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 **EVANGELINE ROSE LOKE KALEIOHI EVANS** as follows:

**DOROTHEA L. EVANS 1/5**

**CHERYL ANN NAYLOR – 1/5**

16035 River Ave.  
Noblesville, Indiana 46062

**JOHN EPHRIAM EVANS – 1/5**

P.O. Box 646  
Kapaa, Hawai'i 96746

**ANGELA MAY REVILLA– 1/5**

P.O. Box 675  
Kekaha, Hawai'i 96752

**KAYLEE ROSE EVANS, DESCENDANT OF  
DAVID WILLIAM EVANS JR (DECEASED) – 1/10**

52857 Cr 21  
Bristol, Indiana 46507

**EMILY EVANS, DESCENDANT OF  
DAVID WILLIAM EVANS JR (DECEASED) – 1/10**

52857 CR 21  
Bristol, Indiana 46507

(B) **IRVIN KEALOHA EWALIKO**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as married to Catalina

Villanueva, also known as Catalina K. Ewaliko. Your Master also reviewed the Letters of Administration filed August 31, 2020, in P. No. 2CLP-20-0000136 in the Second Circuit, State of Hawaii. Exhibit “A” of Petition #4.

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 prior probate proceeding. As this was an intestacy proceeding, your Master agrees that the distribution should be made in accordance with the intestacy statutes as determined by the Personal Representative of the 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 distributed to **CATALINA K. EWALIKO**, as Personal Representative of the Estate of **IRVIN KEALOHA EWALIKO**.

(C) **LYDIA K. FAHILGA**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widowed.

Pursuant to HRS §560:2-103, under the laws of intestacy, if there is no surviving spouse, the intestate share goes to the decedent’s descendants by representation. Your Master spoke with family representative Renee Roth on or about April 2, 2024. She confirmed that her mother did not have a Will and confirmed the names of the surviving heirs at law.

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 in four equal shares to:

**RICKY K. FAHILGA, RENEE K. ROTH, RONALD K. FAHILGA and RANDY K. FAHILGA.**

(D) **JAMES ROLAND FARM**

Your Master reviewed the facts contained in Petition #4 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, under the laws of intestacy, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation. Your Master spoke with a family member, Kawika Farm, on or about April 2, 2024. He confirmed that his father was not married and he did not have a Will. He also confirmed the names of the surviving heirs at law.

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 in two equal shares to:  
**KRISTOPHER K.K. FARM and KAWIKA K.E. FARM.**

(E) **LLOYD KAUEAHU FAULKNER**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married Stephanie Revera, also known as Stephanie Revera Faulkner.

Your Master also reviewed the Will of the decedent which was executed on or about October 10, 1995, which was not probated. Exhibit "B" of Petition #4. The Will directs the residue to be distributed to the Self-Trusted Trust, dated October 10, 1995. The Short Form Trust is also attached to Petition #4 as Exhibit "B."

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 **Trustee of LLOYD KAUEAHU FAULKNER's self-trusted Trust dated October 10, 1995**, for distribution consistent with the Trust terms.

(F) **ROSE KEOHOULAIKALANI FERNANDEZ**

Your Master reviewed the facts contained in Petition #4 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, under the laws of intestacy, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation. Your Master spoke with family members Lou-Ann N. Tolentino and Cherrilynn H. Fernandez on or about April 2, 2024. They each confirmed that her mother did not have a Will.

Your Master also learned that the decedent had additional children with different fathers. Cherrilynn shared that they had another sister, Charlotte Haunani Victorino Davis, who post-deceased their mother but left a daughter, Salina Ann Victorino. Additionally, they have a half-sister, Cindy Ganon, and a brother, Lloyd Kauffman. Your Master located an obituary for Charlotte Davis that provided additional names. See Exhibit "2."

Due to the conflicting information, your Master requested that Probate Special Counsel conduct follow up research. His office has had multiple conversations with Cherrilyn (the "Family Representative") and her sister, Lea-Francine. They both confirmed that Rose had six children: Charlotte, Cindy, Lou-Ann, Lea-Francine, Lloyd, and Cherrilyn.



Of the six children, only Charlotte is deceased. Lea-Francine confirmed that Charlotte only had two children: Owen-Lee and Selena. Charlotte's obituary includes Lopaka-Lee, Marleen and Amanda-Lee as Charlotte's children; however Lea-Francine confirmed that these three people are actually Owen-Lee's children. She also confirmed that Owen-Lee pre-deceased Charlotte. There is a reference to a "brother" named Ernie Cruz, Jr., but Lea-Francine confirmed that he is a close family friend that they consider to be family, but has no blood relation to Charlotte or Rose.

Probate Special Counsel located an obituary for Owen-Lee that confirms that he did pre-decease Charlotte. A copy is attached as Exhibit "3." This obituary provides that he is survived by his wife, Mary Jo, and his children Marleen, Amanda-Lee and Lopaka-Lee. There is a mention of a "brother" named Walter DeRego, but Lea-Francine confirmed that he is also a close family friend with no blood relation to Rose, or Owen-Lee. Because Owen-Lee pre-deceased his mother, the surviving spouse, Mary Jo, would not inherit Charlotte's interest through Owen-Lee, but Owen-Lee's children would inherit from Charlotte by right of representation.

One of Owen-Lee's children, Marleen, died about two years ago but an obituary has not been located. Lea-Francine said that Marleen was unmarried at the time of her death. She did have children, but they were legally adopted by non-family members and there is no contact for them. Marleen would be entitled to a share, but her intestate estate would be distributable to mother, if her mother survived her. Her mother may be Owen-Lee's surviving spouse, Mary Jo, but this has not yet been confirmed.

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."

Counsel requested that Lea-Francine provide any missing addresses and phone numbers, including Mary Jo's, and death certificates if she is able to obtain them. Unless additional information is provided prior to the hearing to refute the findings above, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed as follows:

**CHERRILYNN H. FERNANDEZ – 1/6**

**LOU-ANN N. TOLENTINO – 1/6**

**LEA-FRANCINE K. FERREIRA -1/6**

**CINDY GANON – 1/6**  
35 Kapiolani Street, Apt. 18 or 1B  
Hilo, Hawai'i 96720

**SALINA ANN VICTORINO,  
DESCENDANT OF CHARLOTTE HAUNANI VICTORINO – 1/12**  
Po Box 1114  
Hilo, Hawai'i 96721

**LLOYD KAUFFMAN – 1/6**  
83 B Lama Street  
Hilo, Hawai'i 96720

**LOPAKA-LEE VICTORINO – 1/36**

**AMANDA-LEE VICTORINO – 1/36**

**MARY JO VICTORINO – 1/36**  
(Marlene's share if she is legal mother)

(G) **GLENWOOD ALFRED FERREIRA**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Petitioner was informed that AUDREY P. DOWSETT has retained attorney Patrick K. Wong, Esq. of Carlsmith Ball LLP to assist with a probate for the deceased class member. As of the date of this filing, said probate has not been initiated. Your Master called Patrick K. Wong, Esq. and left a

message as well as an email inquiring whether he represented the estate. To date, there has been no response.

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

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 as follows:

**AUDREY P. DOWSETT – ¼**

**LOUIS FERREIRA – ¼**

**HIRAM ALFRED FERREIRA – ¼**

**BRANDY KUIIPO GOUVEIA – 1/16**

**JESSE KEALOHA HERNANDEZ – 1/16**

**ANDREW KALEO OKALANI HERNANDEZ – 1/16**

**DAVID RAYMOND KALANIKOA HERNANDEZ III – 1/16**

(H) **RUBY KUIIPO FIELD**

Your Master reviewed the facts contained in Petition #4 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, under the laws of intestacy, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation. Your Master spoke with family member Janice Wakamatsu on or about April 2, 2024. She confirmed that she and her three siblings are the surviving children of the decedent and their post-deceased father. She

mentioned that there may have been a Will, but after searching her records, she could not locate it due to the time that has passed since her parents' deaths.

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 in four equal shares to: **ULRICH FIELD, CYRUS FIELD, JANICE WAKAMATSU, and HARRILYN BELLUCHE.**

(I) **STEPHEN K. HAO, JR.**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Flora Mae Elizares, also known as Flora M. Hao.

Your Master also reviewed the Will of the decedent, which was executed on or about August 31, 1995, which was not probated. Exhibit "C" of Petition #4. The Will directs the residue to be distributed to the Trust, dated August 31, 1995. The Declaration of Revocable Trust of Stephen K. Hao, Jr, names **FLORA M. HAO** as the Successor Trustee. Exhibit "C" of Petition #4.

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 **FLORA M. HAO, as the Successor Trustee of the Revocable Trust of Stephen K. Hao, dated August 31, 1995**, for distribution consistent with the Trust terms.

(J) **SWEETHEART K. HARRIS**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Pursuant to HRS §560:2-103, under the laws of intestacy, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation. Your Master spoke with family representative Dimples Harris on or about April 2, 2024. She confirmed that her mother did not have a Will. She also confirmed the names of the surviving heirs at law and that her deceased sister, Marcella H. Harris, did not leave any issue.

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 in six equal shares to: **DIMPLES K. HARRIS, GARY C. HARRIS, SWEETHEART K. SALSEDO, MARGUERITE L. CARVALHO, HENRY R. HARRIS, and DANETTE K. HARRIS.**

(K) **EVERETT IPOALOHA HAUMEA**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Carmelita Aviguetero, also known as Carmelita Haumea. No Will or Trust has been submitted.

Pursuant to HRS §560:2-102(1)(B), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

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 in its entirety to the surviving spouse, **CARMELITA I. HAUMEA.**

(L) **HAROLD HAUPU, JR.**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Gail Uweko'olani, also known as Gail Haupu. There was no Will or Trust submitted.

Pursuant to HRS §560:2-102(1)(B), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

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 in its entirety to the surviving spouse, **GAIL K. HAUPU**.

(M) **DENNIS MERVIN JOAO**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Mary Frances Claflin, also known as Mary F. Joao. Your Master also reviewed the Ex Parte Petition for Approval of Final Accounts and Distribution and Complete Settlement of Estate along with related documents, filed on November 23, 1998, in P. No. 97-0606, in the First Circuit, State of Hawaii. Exhibit "D" of Petition #4.

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 prior probate proceeding. As this was a probate proceeding with a Will, your Master agrees that the distribution should be made in accordance with the Will as determined by the Personal Representative of the Estate. The Ex Parte Order Approving Accounts and Distributing and Settling Estate states that the Will directs that 100% of the estate goes to Mary F. Joao.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds be distributed to **MARY F. JOAO**.

(N) **GERTRUDE KAHELE NAMAUU**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to George K. Namauu, Sr. There was no Will or Trust submitted.

Pursuant to HRS §560:2-102(1)(B), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other

descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

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 in its entirety to the surviving spouse, **GEORGE K. NAMAUU SR.**

(O) **RITCHIE ALICE KALAHIKI RAMSEYER**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Clifford Silas Ramseyer. Your Master also reviewed the death certificate of the decedent's spouse, Clifford Silas Kuuipo Ramseyer. As the surviving spouse and based on the amount of the award, the Estate of Clifford Silas Kuuipo Ramseyer would have received the entire settlement distribution. No Wills or Trusts were provided for either the decedent or her surviving spouse. Since the decedent's spouse also died intestate, the settlement would pass to his 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 three equal shares to: **RICHARD I. RAMSEYER, SHERRAN K. KINILAU<sup>1</sup>, and SHEILA N. RAMSEYER-MAO.**

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<sup>1</sup> The Petition mistakenly spelled this as "Kinilan."



(P) **JANICE KUULEI AUKAI**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Wallace Aukai. Your Master also reviewed the death certificate of the decedent's spouse, Wallace Aukai. As the surviving spouse and based on the amount of the award, the Estate of Wallace Aukai would have received the entire settlement distribution. No Wills or Trusts were provided for either the decedent or her surviving spouse. Since the decedent's spouse also died intestate, the settlement would pass to his 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 two equal shares to:

**CHERYL A. PADEKEN and BRANDON W.K. AUKAI.**

(Q) **MYRA HAULANI RIVERA**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Pursuant to HRS §560:2-103, under the laws of intestacy, if there is no surviving spouse, the intestate share goes to the decedent's descendants by representation. Your Master spoke with family representative LURLYNNE M. SOUZA on or about April 2, 2024. She confirmed that her mother did not have a Will and confirmed the names of the surviving heirs at law.

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 in four equal shares to:

**LURLYNNE M. SOUZA, KEITH S. ALPICHI, KEVIN S. ALPICHI, and DONNA A. ALPICHI-LOPEZ.**

(R) **HELEN K. TAYAMEN**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's obituary notes that she was survived by husband Prudencio Tayamen. Your Master also reviewed the obituary of the surviving spouse, Prudencio Tayamen, who died in 2022. As the surviving spouse and based on the amount of the award, the Estate of Prudencio Tayamen would have received the entire settlement distribution. No Wills or Trusts were provided for either the decedent or her surviving spouse. Since the decedent's spouse also died intestate, the settlement would pass to his heirs at law. These are the surviving children of both parents.

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 eight equal shares to: **HARLAN TAYAMEN, CLAYTON TAYAMEN, AFTON TAYAMEN, GALEN CAJIGAL, TESSIE PAEYERNEERS, ADELE TAYAMEN, THELMAN BACXA, and JANELLE COSTA.**

(S) **STEPHEN ANGEL MARDONADA**

Your Master reviewed the facts contained in Petition #4, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Janis Apana, also known as Janis Mardonada. There was no Will or Trust submitted.

Pursuant to HRS §560:2-102(1)(B), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

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 in its entirety to the surviving spouse, **JANIS MARDONADA**.

(T) **MANUEL KAIALELEPA FERNANDEZ**

Your Master reviewed the facts contained in Petition #4 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Betty Jean Livingston, also known as Betty Jean Fernandez. Your Master spoke at length with Betty Jean Fernandez on or about April 3, 2024. She advised that the decedent had children from his first marriage but that he also had a Will, which was not probated. A true and correct redacted copy is attached here as Exhibit "4."

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 in its entirety to **BETTY JEAN FERNANDEZ, as Personal Representative of the Estate of Manuel Kaialelepa Fernandez**.

**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 #4;
- B. That the Court grant the Petition for Instructions #4 filed February 9, 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 April 17, 2024.

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

## Hong, Jennifer

---

**From:** Dot Evans <dotandtia@gmail.com>  
**Sent:** Friday, March 15, 2024 9:15 PM  
**To:** info\_kalima-lawsuit  
**Subject:** Fwd: Kalima Lawsuit Tracking Number 135  
**Attachments:** DETAILED FAMILY INFORMATION.docx

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

----- Forwarded message -----

**From:** Tialyn Keawe <[chastonandjaedyn@yahoo.com](mailto:chastonandjaedyn@yahoo.com)>  
**Date:** Fri, Mar 15, 2024, 2:17 PM  
**Subject:** Kalima Lawsuit Tracking Number 135  
**To:** Dot Evans <[dotandtia@gmail.com](mailto:dotandtia@gmail.com)>

Aloha my name is Dorothea Lee Evans and I have emailed previously but did not receive a response. I am requesting some help as I have received the court documents pertaining to the class action Kalima lawsuit. I am the only one listed as the beneficiary for my deceased mother Evangeline R. L Evans. I am once again attaching the detailed family information to include my siblings. I believe I did that originally but here is a more detailed information sheet to include date of birth as well as mailing address for each. I am the Family Representative but I want to make sure that each one of us is paid our share individually if at all possible. If that is not a possibility as the court documents have already been filed then I would like in writing the breakdown so that I may make certified bank checks for each of us and include the breakdown so that we are all on the same page. I would really appreciate if someone could email me back as I have tried calling multiple times and left a couple voice messages but haven't not received a call back. Thank you for your time in this matter. You can reach me at 808-977-0110 anytime. You can also email me at [dotandtia@gmail.com](mailto:dotandtia@gmail.com) .

Sincerely,

Dorothea L Evans

DETAILED FAMILY INFORMATION  
DECEASED CLASS MEMBER: EVANGELINE R. L. EVANS  
TRACKING NUMBER 135

CHERYL ANN NAYLOR  
DOB: [REDACTED]  
16035 RIVER AVE , NOBLESVILLE, IN 46062

DAVID WILLIAM EVANS JR (DECEASED)  
DOB: [REDACTED] DOD: 3/27/23

JOHN EPHRIAM EVANS  
DOB: [REDACTED]  
P.O. BOX 646, KAPAA, HI 96746

EXHIBIT "1"

ANGELA MAY REVILLA

DOB: [REDACTED]

P.O. BOX 675, KEKAHA, HI 96752

DOROTHEA LEE EVANS (FAMILY REPRESENTATIVE)

DOB: [REDACTED]

1283 ULU STREET, KAPAA, HI 96746

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LEGAL SERVICES

Kalima v State of Hawaii CA40057079



Info Request Decease #

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**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:

D O R O T H E A

MI:

L

Last Name:

E V A N S

Address:

1 2 8 3 U L U S T R E E T

City:

K A P A A

State:

H I

ZIP Code:

9 6 7 4 6

Telephone:

8 0 8 - 9 7 7 - 0 1 1 0

Email:

D O T A N D T I A @ G M A I L . C O M

Relationship to Settlement Class Member:

D A U G H T E R

**WHO IS THE SURVIVING SPOUSE (IF ANY)?** NONE

First Name:

J o h n

MI:

S O

Last Name:

F I S H E R

[Empty boxes for first name]

[Empty box for MI]

[Empty boxes for last name]

Address:

[Empty address boxes]

City:

[Empty city boxes]

State:

[Empty state boxes]

ZIP Code:

[Empty ZIP code boxes]

Telephone:

[Empty telephone boxes]

Email:

[Empty email boxes]

**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:

[Empty place of death boxes]

Date Death:

[Empty date death boxes]

MM

DD

YYYY



\*400570790000098648\*

IF THE DECEASED SETTLEMENT CLASS MEMBER DID NOT HAVE A WILL OR TRUST, PLEASE PROVIDE THE FOLLOWING INFORMATION FOR EACH OF THE DECEASED'S CHILDREN AND/OR THE DECEASED SPOUSE'S CHILDREN, IF ANY.

CHILD 1:

First Name:

D O R O T H E A

MI:

L

Last Name:

E V A N S

Address:

1 2 8 3 U L U S T R E E T

City:

K A P A A

State:

H I

ZIP Code:

9 6 7 4 6

Telephone:

8 0 8 - 9 7 7 - 0 1 1 0

Email:

D O T A N D T I A @ G M A I L . C O M

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

000 0000898 00000000 0007 0009 00100 INS: 0 0





## Dodo Mortuary, Inc.

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### Charlotte Haunani "Nani" Victorino-Davis

( January 9, 1951 - May 11, 2014 )

Mrs. Charlotte Haunani "Nani" Victorino-Davis, 63, of Hilo, HI, died at the Hilo Medical Center on Sunday, May 11, 2014. She was born in Hilo, HI and was a retired PTA/PTSA Vice-President with the State Of Hawaii Department Of Education. She was also a member of the Paukaa Kingdom Hall Of Jehovah's Witnesses. Friends may call at the Paukaa Kingdom Hall of Jehovah's Witnesses on Friday, May 16, 2014 from 9:00 AM to 10:00 AM, where a Memorial Service will be held at 10:00 AM, followed by urn committal at the Hawaii Veterans Cemetery #2 at 12:00 Noon. The family requests casual attire and that flowers be omitted. She is survived by her: Daughters, Selena-Ann K. (Melanie J. Manarpaac) Victorino of Hilo, HI, Marleen Victorino of Hilo, HI and Amanda-Lee Victorino of Hilo, HI; Sons, Owen-Lee K. (Mary Jo) Victorino of Hilo, HI and Lopaka-Lee Victorino of Oahu, HI; Brothers, Lloyd Kauffman of Hilo, HI and Ernie Cruz, Sr. of Puna, HI; Sisters, Cindy L. Ganon of Kaumana, HI, Cherrie-Lynn (Larry-Lynn) Fernandez of Keaau, HI, Lou-Ann (Ral) Tolentino of Keaau, HI and Lea F. (Rilan) Ferreira of Waiakea, HI; Mother-in-law, Roselynn Victorino of Kaumana, HI; Brother-in-law, Clifford Hose of Hilo, HI; three grandchildren, four great grandchildren, numerous hanai children, hanai grandchildren, nieces & nephews.

EXHIBIT "2"

Norma S.K., brother Jerry, sister Lily Bennett, four grandchildren and a great-grandchild. Services: 1 p.m. Saturday at Nuuanu Memorial Park. Call after noon. Burial: 2:15 p.m. at Diamond Head Memorial Park. Casual attire.

#### **Adolph Pascua Sr.**

*April 4, 2008*

Adolph "Randy" Pascua Sr., 78, of Kihei, Maui, a Wal-Mart greeter in Kahului, died in Maui Memorial Medical Center. He was born in Waialua. He is survived by wife Marsha; sons Adolph "Randy" Jr. and Alan; daughters Sheila Gomes, Joy Paredes, Julie Agcaoili and Jill-Lesly Pascua; brother Sandy; sisters Marie Perreira and Suzanne Damian; 14 grandchildren; and six great-grandchildren. Visitation: 6-9 p.m. Friday at St. Theresa Church in Kihei. Mass: 11 a.m. Saturday at the church. Call after 9 a.m. Cremation to follow. Private burial. Aloha attire.

#### **Erminia Perreira**

*March 25, 2008*

Erminia "Essie" Perreira, 76, of Makaha died in Hawaii Medical Center East. She was born in Puukoolii, Maui. She is survived by son Ernest "Cuchie"; daughters Sharlene "Honey Girl" Kaimi, Brenda Kahao, Donna Wilson and Pamela Napoleon III; brothers Anthony "Cerio" and Wayne Peligrino; 18 grandchildren; and 33 great-grandchildren. Services: 6:30 p.m. Thursday at Mililani Mortuary-Waipio, mauka chapel. Call after 5:30 p.m. Scattering of ashes: noon Saturday at Pokai Bay in Waianae. Casual attire. Incorrect information given in an obituary yesterday.

#### **Maximo Ranchez**

*April 11, 2008*

Maximo Ranchez, 98, of Pepeekeo, Hawaii, a Hamakua Sugar Plantation sugar cane cutter, died at home. He was born in Subec Santa Catalina, Ilocos Sur, Philippines. He is survived by son Boonie, daughters Julie Araw and Amelia Hayashi, nine grandchildren and two great-grandchildren. Services: 7 p.m. Friday at Dodo Mortuary. Call after 6 p.m. Mass: 10 a.m. Saturday at Immaculate Heart of Mary Catholic Church. Call after 9 a.m. Burial to follow at Alae Cemetery, Section K. Casual attire.

#### **Tom Mitsuru Tanaka**

*April 1, 2008*

Tom Mitsuru Tanaka, 89, of Honolulu, a retired carpenter, died in Straub Clinic & Hospital. He was born in Puunene, Maui. He is survived by son Lester, daughter Donna Kawakami, brother Hisashi, sister Amy Saiki, five grandchildren and a great-grandchild. Private services.

#### **Owen-Lee Kaleo Victorino**

*March 30, 2008*

Owen-Lee Kaleo Victorino, 35, of Hilo, a Pete's Plumbing plumber, died in Hilo Medical Center. He was born in Hilo. He is survived by wife Mary Jo, son Lopaka-Lee, daughters Marleen and Amanda-Lee, mother Charlotte Davis, brother Walter DeRego, hanai brother Sterland Ogata, sister Selena, hanai sister Chantelle Hose and a grandchild. Celebration of life: 10 a.m.-10 p.m. Sunday at Wailoa State Park, large pavilion. Casual attire.

You can also search the Hawaii State Library System's Hawaii Newspaper Index online for older obituaries at [www.librarieshawaii.org](http://www.librarieshawaii.org). The index goes back several decades.

BACK TO TOP

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EXHIBIT "3"

# LAST WILL AND TESTAMENT OF MANUEL KAIALELEPA FERNANDEZ.

I, Manuel Kaialelepa Fernandez, a resident of the City of Goodyear, State of Arizona, being of sound mind, not under duress or undue influence, and with full understanding of the nature and extent of all my property and this disposition thereof, hereby make, publish, and declare this document to be my Last Will and Testament and revoke any and all prior wills and codicils that I may have made.

## 1. First Item.

I order that all of my just debts, both secured and unsecured, be paid as soon as possible after my death. However, I also order that my executor is free to carry, renew, and refinance any debt if doing so is in the best interest of the beneficiaries listed below.

My Personal Representative is required to pay the mentioned taxes as if they were my debts, without seeking reimbursement from anyone who obtains any of the items included in the computation.

## 2. Marital Status and Children.

I, Manuel Kaialelepa Fernandez, am married to Bettyjean Fernandez at the moment of the creation of this instrument.

I do have children and their names are:

Vernael Fernandez, born in [REDACTED]

EXHIBIT "4"

Penny Fernandez, born in [REDACTED]

Vaughn Fernandez, born in [REDACTED]

Vinson Fernandez, born in [REDACTED]

The term "child" or "children" as used in my Will includes the above listed children and any children born to me or legally adopted by me after I have signed this Will.

### 3. Personal Representative or Executor.

I appoint and designate Bettyjean Fernandez, of Goodyear, State of AZ, as the personal representative of my estate and ask that (he/she) be given temporary personal representative status if (he/she) applies.

### 4. Debts & Expenses.

I direct that all my just debts, funeral expenses, and the expenses of administering my estate, including any estate, inheritance, or other death taxes, be paid as soon as practicable after my death by my personal representative. These should be paid however the executor decides.

### 5. Assignment of Property. (Beneficiaries).



I leave the following instructions for my property and estate, both real and personal and wherever it may be located:

Beneficiary N° 1: Bettyjean Fernandez, now residing at the State of AZ, City: Goodyear, with the following percentage of the estate: 100%.

6. Omission.

I have purposefully left out of my Will any arrangements for any of my family members if any, whatever defined by law, who are alive now or who may be born or adopted in the future, have it to the extent that I have or not specifically mentioned them.

7. Governing Law.

This document shall be governed by the laws of the State of Arizona.

8. Severability and Survival.

If any portion of my will shall be held illegal, invalid or otherwise inoperative, it is my intention that all of the other provisions hereof shall continue to be fully effective and operative insofar as is possible and reasonable.

9. Additional Clause.

I have already recognized my children by giving each of them \$240,000 from the sale of property in Hawaii in 2007.

Witnesses.

The foregoing instrument, including this page, was signed in our presence by Manuel Kaialepa Fernandez which declared this as the last Will.

We, at the request and in the presence of his/ her and in the presence of each other, have subscribed our names below as witnesses. We declare that we are of sound mind, competent and of the proper age to witness a will, that to the best of our knowledge the testator is of the age of majority, or is otherwise legally competent to make a will, and appears of sound mind and under no undue influence or constraint. Under penalty of perjury, we declare these statements are true and correct on May 27th, 2017.

Witness #1 Full Name: Manuel

Witness #1 Address: 3671 N. CANTON DR.

Witness #1 City: LITCHFIELD PARK AZ

Witness #1 State: AZ

Witness #1 Zip: 85340

Witness #1 Signature: Manuel Kaialepa Fernandez

Witness #2 Full Name: Donna Kasowski

Witness #2 Address: 16474 W. Alvarado Dr.

Witness #2 City: Goodyear, AZ

Witness #2 State: Arizona

Witness #2 Zip: 85395

Witness #2 Signature: Donna Kosowski

I, Manuel Kaialelepa Fernandez, being of sound mind and disposing memory, do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking any and all other wills and codicils previously made by me.

Testator Signature: Manuel Kaialelepa Fernandez

Testator full print name: Manuel Kaialelepa Fernandez

Date: 5/29/2017

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.

**DOROTHEA L. EVANS**  
1283 Ulu Street  
Kapaa, Hawaii 96746

**KAWIKA K.E. FARM**  
P.O. Box 1721  
Kaunakakai, Hawaii 96784

**CATALINA K. EWALIKO**  
c/o Daniel C. Vermillion, Esq.  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813

**STEPHANIE FAULKNER**  
116 Ainoni Street  
Kailua, Hawaii 96734

**BRANDY KUIIPO GOUVEIA**  
14 Lakeview Circle #D1  
Wahiawa, Hawaii 96786

**ANISSA KIM KAEHUKAIOPIAENA  
EWALIKO BRAN**  
7 Koiula Lane #117  
Kahului, Hawaii 96732

**LLOYD K. FAULKNER, JR.**  
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Hilo, Hawaii 96749

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c/o Oahu Community Correctional Center  
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Visalia, California 93277

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Holualoa, Hawaii 96725

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**MAKANA MARDONADA**  
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Kapaa, Hawaii 96746

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Kaneohe, Hawaii 96744

**KEITH S. ALPICHI**  
45-233 Namoku Street  
Kaneohe, Hawaii 96744

**KEVIN S. ALPICHI**  
45-233 Namoku Street  
Kaneohe, Hawaii 96744

**DONNA A. ALPICHI LOPEZ**  
45-233 Namoku Street  
Kaneohe, Hawaii 96744

**HARLAN TAYAMEN**  
P.O. Box 203  
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**BETTY JEAN FERNANDEZ**  
14721 W Piccadilly Road  
Goodyear, Maricopa, Arizona 85395

**CLAYTON TAYAMEN**  
P.O. Box 711412  
Mountain View, HI 96711

**AFTON TAYAMEN**  
76 Hualalai Street  
Holualoa, Hawaii 96725

DATED: Honolulu, Hawaii, April 17, 2024.

/s/ Emily H. Kawashima

EMILY H. KAWASHIMA

Probate Special Master