

**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
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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)

AMENDED ORDER GRANTING PETITION
FOR INSTRUCTIONS #2

HEARING:

DATE: April 5, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

AMENDED ORDER GRANTING PETITION FOR INSTRUCTIONS #2

The PETITION FOR INSTRUCTIONS #2 filed herein on January 19, 2024 (the "Petition"), came on for hearing on Thursday, April 5, 2024, at 10:00 a.m., before the Honorable Jeannette H. Castagnetti, Judge of the above-entitled Court. Petitioner, SCOTT C. SUZUKI, ESQ., Probate Special Counsel in Kalima v. Hawaii, Civil No. 99-4771-12 LWC filed in the Circuit Court of the First Circuit, State of Hawaii (hereinafter "*Kalima*") appeared. EMILY H. KAWASHIMA, ESQ., Probate Special Master in *Kalima*, appeared.

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

A. Jurisdiction and venue are proper;

B. The PETITION FOR INSTRUCTIONS #2 is hereby granted, subject to the findings and recommendations of the Probate Special Master in the Probate Special Master's Report Re PETITION FOR INSTRUCTIONS #2 filed herein on or about March 14, 2024, as supplemented on March 18, 2024, as further supplemented on March 25, 2024, and as finally supplemented on April 8, 2024;

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

D. The Trustee shall distribute the settlement proceeds derived from the Deceased Class Members' interests in *Kalima*, as described in the PETITION FOR INSTRUCTIONS #2 filed herein on January 19, 2024, from THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023, as recommended by the Probate Special Master, as follows:

(A) **WILLIAM KALAEMAKANI AHIA, JR.**

JENNIFER L. AHIA, Personal Representative of the Estate of WILLIAM K. AHIA III (Post-Deceased) -ONE-FOURTH (1/4) to be distributed in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate.

SAMUEL K. AHIA - ONE-FOURTH (1/4),
ALFRED A.D. AHIA - ONE-FOURTH (1/4)
ROBERT K. AHIA - ONE-FOURTH (1/4)

(B) **HAROLD ALEXANDER AHUNA, SR.**

HAROLD "BUNNY" AHUNA, JR. - ONE-FOURTH (1/4)
MARK "MARKO" AHUNA - ONE-FOURTH (1/4)
WAYNE "WINGUS" AHUNA - ONE-FOURTH (1/4)
RENI YANO - ONE-FOURTH (1/4)

(C) **JOSEPH PETER AHUNA**

WILLIE PUALOA III - ONE-SEVENTH (1/7)
RICHARD PUALOA - ONE-SEVENTH (1/7)
LANI CHASE - ONE-SEVENTH (1/7)
VERLA MOORE - ONE-SEVENTH (1/7)
UILANI PUALOA - ONE-SEVENTH (1/7)
IPOLANI TANO - ONE-SEVENTH (1/7)
NOELANI PUALOA-UBANDO - ONE-SEVENTH (1/7)

(D) **STANLEY MANU AH TONG AIKALA**

Funds to be returned to the general settlement fund for redistribution to class members at a later date should there be a surplus.

(E) **NELLIE NAHALA AINA - STRICKEN**

(F) **ABRAHAM AIONA**

ABRAHAM K. AIONA, Trustee of the Abraham Aiona Revocable Living Trust Agreement dated October 16, 1991 - 100% to be distributed by said Trustee in accordance with the provisions of the Trust.

(G) **QUINTIN GARY JOHN AIONA**

MYRNA N. AIONA - 100%

(H) **CHARLES NUHI AIPIA JR.**

BEVERLY M. AIPIA - 100%

(I) **MARCIA HAUNANI UWEKOOLANI AKAHI**

ERNESTINE AKAHI - ONE-THIRD (1/3)

LLOYDE AKAHI - ONE-THIRD (1/3)

JASON AKAHI - ONE-THIRD (1/3)

(J) **BRIAN KEOLAONAPAEMOKU AKANA**

HEATHER K. MINTON - ONE-HALF (1/2)

NICHOLAS K. AKANA - ONE-HALF (1/2)

(K) **GEORGE AKANA SR.**

KEVIN M. AKANA - ONE-HALF (1/2)

GEORGE AKANA III - ONE-FOURTH (1/4)

KOA AKANA - ONE-FOURTH (1/4)

(L) **AMY CHARLOTTE KAELEHIWA AKAO**

NEPHI P. BROWN - ONE-HALF (1/2)

LEHI WILFRED K. BROWN - ONE-HALF (1/2)

(M) **JOSEPH AKEAU AKAU**

JILL PUANANI RODRIGUES - ONE-THIRD (1/3)

DANIEL B. AKAU - ONE-THIRD (1/3)

ISAIAH KAAHANUI - ONE-NINTH (1/9)

JOSHUA KAAHANUI - ONE-NINTH (1/9)

TARA KAAHANUI - ONE-NINTH (1/9)

(N) **LEONARD A. AKAU**

ELAINE MAILE KUULEI PIILANI ISAACS AKAU, Trustee of the Leonard A. Akau Trust dated August 24, 1993 - 100% to be distributed by said Trustee in accordance with the provisions of the Trust.

(O) **THELMA AKAU**

APITAI AKAU, JR., Trustee of the Thelma May Akau Revocable Living Trust dated May 11, 1993, as amended - 100% to be distributed by said Trustee in accordance with the provisions of the Trust.

(P) **GORDON KANANI AKEN, SR.**

HELEN L. AKEN - 100%

(Q) **JAMES KUU IPOALOHA AWEAU**

BLOSSOM M. AWEAU, Trustee of the James K. Aweau Revocable Living Trust dated July 4, 2003 - 100% to be distributed

by said Trustee in accordance with the provisions of the Trust.

(R) **SAMUEL KAHAKUMAKA AWEAU, JR.**

KEITH S. AWEAU - ONE-HALF (1/2)

PAMELA SAKUMA - ONE-HALF (1/2)

(S) **NELSON KALANIPOO AWO**

PUUONEOMAKAPUU N. JOHNSON - ONE-FOURTH (1/4)

KAPIOLANI N. AWO - ONE-FOURTH (1/4)

KALAPANA K. GARRETT - ONE-FOURTH (1/4)

GEORGE K. AWO - ONE-FOURTH (1/4)

(T) **RUTH LUKA POAIPUNI**

JONAH JOE 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 - 100% to be distributed in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate.

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

F. Fees to Probate Special Counsel, SCOTT C. SUZUKI, ESQ., in the amount of **\$15,739.00**, plus general excise tax (4.712%) thereon in the amount of **\$741.62**, plus costs in the amount of **\$1,213.23**, for a grand total of **\$17,693.85**, are approved;

G. Fees to Probate Special Master, EMILY H. KAWASHIMA, ESQ., in the amount of **\$8,075.00**, plus general excise tax (4.712%) thereon in the amount of **\$380.49**, plus costs in the amount of **\$590.11**, for a grand total of **\$9,045.60**, are approved;

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

DATED: Honolulu, Hawaii, JUN - 4 2024.

/s/ Jeannette H. Castagnetti



Judge of the Above-Entitled Court

T. No. 1CTR-23-0000142 (Trust Proceeding); IN THE MATTER OF THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023; AMENDED ORDER GRANTING PETITION FOR INSTRUCTIONS #2.