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FIRST CIRCUIT
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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)

FIRST SUPPLEMENT TO *EX PARTE*
PETITION FOR APPROVAL OF
ALLOCATION OF FEES AND COSTS AND
PAYMENT INFORMATION

FIRST SUPPLEMENT TO *EX PARTE* PETITION
FOR APPROVAL OF ALLOCATION OF FEES
AND COSTS AND PAYMENT INFORMATION

Comes now Emily H. Kawashima, Esq., Probate Special Master in, *Kalima v. State of Hawaii*, Civ. No. 99-4771-12 LWC (hereinafter “*Kalima*”), and hereby submits her First Supplement to the Court *ex parte*, for an order approving the proposed fees and costs allocation and payment information, pursuant to *Hawaii Revised Statutes* §554D-201(a) and (c) and Rules 3 and 23(d) of the *Hawaii Probate Rules*, as follows:

1. Probate Special Master provides the following additional information regarding the allocation of fees and costs from the Claims Administrator, Probate Special Counsel and Probate

Special Master as to each beneficiary's share of their Deceased Class Member's settlement award as follows:

2. Category 1 fees and costs, referenced in the *Ex Parte* Petition, will be apportioned pro rata to each estate based on the value of the settlement award. As the total settlement award value of each petition varies, the total value of the Category 1 deductions will also vary, but the percentage of that deduction will be the same across every estate. For example, an estate with an award of \$100,000.00, will pay a higher amount of Category 1 expenses than an estate with an award of \$10,000.00. The claims administrator will calculate the Category 1 deductions as part of the Petition #1, and will be able to provide a report with that detail at that time. If fees and costs change in the future, the claims administrator has several options to address the changes: uncashed checks, interest earned and additional deductions to settlement awards can be directed to those changes prior to a secondary disbursement.

3. Exhibit "A" provides an overview of the estimated the fees and costs for the Probate Plan approved by this Honorable Court by that certain Omnibus Order Re Kalima Class Qualified Settlement Trust Proceedings filed herein on or about December 29, 2023. Exhibit "A" contains figures that are inclusive of Category 1 and Category 2 expenses.

4. The estimated attorneys' fees and costs (aggregate) based on reduced hourly rates per petition are included in the figures in Exhibit "A" and are detailed further as follows:

Probate Special Counsel:

1. Aggregate Hourly Billing at reduced rate - \$18,500
2. Publication Cost \$1,600
3. Postage \$900
4. Copies \$200

Probate Special Master:

1. Aggregate Hourly Billing at reduced rate - \$15,000
2. Postage \$500
4. Copies \$200

5. Currently, the Probate Special Counsel anticipates approximately 1,200 estates to be addressed in approximately 46 petitions.

6. Petitioner therefore respectfully request that the Court grant this *Ex Parte* Petition for Approval of the proposed fees and costs allocation and payment information.

WHEREFORE, Petitioner prays:

A. That hearing and notice be waived;

B. That the Court grant the *Ex Parte* Petition for Approval of Proposed Fees and Costs Allocation and Payment Information;

C. That upon granting the *Ex Parte* Petition for Approval of Proposed Fees and Costs Allocation and Payment Information, the Claims Administrator may begin processing payments as set forth in this Court's Orders Granting Petitions for Instructions and in the manner approved in this *Ex Parte* Petition; and

D. That the Court grant other such relief as the Court may deem as proper.

THE UNDERSIGNED UNDERSTANDS THAT THIS DOCUMENT IS DEEMED TO INCLUDE AN OATH, AFFIRMATION, OR STATEMENT TO THE EFFECT THAT ITS REPRESENTATIONS ARE TRUE AS FAR AS UNDERSIGNED KNOWS OR IS INFORMED, AND PENALTIES FOR PERJURY MAY FOLLOW DELIBERATE FALSIFICATION.

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

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

Hawaii Probate Rule 5(b) Certification:

/s/ Emily H. Kawashima
EMILY H. KAWASHIMA