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PROBATE SPECIAL MASTER

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

IN THE MATTER

OF

THE KALIMA CLASS ACTION
SETTLEMENT TRUST DATED JUNE 23,
2023.

T. No. 1CTR-23-0000142
(Trust)

**FIRST SUPPLEMENT TO PROBATE
SPECIAL MASTER'S REPORT RE:
PETITION FOR INSTRUCTIONS #12,
FILED AUGUST 9, 2024; EXHIBITS
"2" – "4"; CERTIFICATE OF SERVICE**

Hearing:

Date: November 1, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**FIRST SUPPLEMENT TO PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #12**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate
Special Master to examine the Petition for Instructions #12, filed August 9, 2024 (the
"Petition"), and respectfully submits this First Supplement to her Report.

(C) **EMILY LEINAALA KAMAKA**

Your Master was notified that beneficiary, “Andrew Hargrove,” should be “Andre Hargrove.”

Your Master was also informed that Zachary Kapule was legally adopted and therefore not an heir of the decedent. His birth certificate shall be filed under seal. Your Master spoke to Zachary Kapule and he confirmed the same. On the basis of the foregoing, your Master amends here prior findings and recommendations and finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be distributed as follows:

APRIL M. CHAMBERLAIN – 4/12
TIMOTHY K. KAMAKA – 4/12
DOREEN PASCUA – 1/12
WYNETTE KAHAKAI – 1/48
KEISHA HARGROVE – 1/48
ANDRE HARGROVE – 1/48
GINGERLYN HAGROVE – 1/48
GEORGE PELEKANE – 1/12
KURT JARRET – 1/12

(F) **THOMAS KANIHO**

This decedent’s settlement distribution was to be disbursed to the six heirs of the post-deceased surviving spouse under the laws of intestacy. The decedent had five children from another relationship who would not be entitled to any distribution under the laws of intestacy.

Your Master was informed that the descendants of the surviving spouse wants to divide the settlement 11 ways to include the four descendants of the decedent and one share to the heirs of predeceased child, Leonard Naboia. Your Master received the agreement that was partially signed by the beneficiaries. Should the agreement be fully executed, your Master would find and recommend this deceased class member’s share of the *Kalima* settlement proceeds should be distributed as follows:

LEEBERT NABOA – ONE-SIXTH (1/6)
LAMBERT NABOA – ONE-ELEVENTH (1/11)
LEINELL NABOA – ONE-ELEVENTH (1/11)
LEIVANELL SALMO – ONE-ELEVENTH (1/11)
LEINETTE NORITAKE – ONE-ELEVENTH (1/11)
PATRICK KEONE TAKAHASHI – ONE-ELEVENTH (1/11)
DESCENDANTS OF LEONARD NABOA:
IEVAN P. HENRIQUES – ONE-SIXTY-SIXTH (1/66)
MERVIN J. NABOA – ONE-SIXTY-SIXTH (1/66)
LEONARD NABOA, JR. – ONE-SIXTY-SIXTH (1/66)
FRANCISCO NABOA – ONE-SIXTY-SIXTH (1/66)
OLANA H. KAIWI – ONE-SIXTY-SIXTH (1/66)
LYDIA T. NABOA – ONE-SIXTY-SIXTH (1/66)
THOMAS DEAN KANIHO – ONE-ELEVENTH (1/11)
THEONE ROTH – ONE-ELEVENTH (1/11)
THOMASINE BECK – ONE-ELEVENTH (1/11)
MYRA KEANU – ONE-ELEVENTH (1/11)

If the beneficiaries do not submit a completed agreement, then your Master’s previous findings and recommendations remain unchanged.

(L) RONALD KANEKOA

Your Master received the attached signed letters contesting the validity of the Will. A true and correct copy is attached as Exhibit “2”. It is evident that there is a family dispute regarding this distribution.

Under the Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings, filed December 29, 2023, Paragraph F provides:

F. Objections to Petitions

Any interested persons or parties who make any objection or otherwise disagree with the Petitions or Master Reports, will be removed from the Probate Plan and referred to the Mediation Center of the Pacific where the parties will have the opportunity to resolve the matter through mediation. When all issues are resolved, the Deceased Class Member’s claim will be included back in the Probate Plan. If the parties are unable to resolve their disputes, they must retain private counsel in order to resolve any disagreements before being included back in the Probate Plan. Any additional expenses incurred in the administration of the

Probate Plan resulting from these extra procedures shall be paid from the settlement funds allocated to the Deceased Class Member about whom the parties are in disagreement.

The Probate Plan, approved by the Court in Civ. No. 99-4771-12LWC, provides:

XV. DISPUTED SITUATIONS.

If any Deceased Class Members' heirs or devisees dispute who is entitled to receive settlement funds or in what percentage, they will be referred to mediation. If they are unable to resolve their dispute, they will be advised to retain private counsel. Distributions from the QST will be made in a manner consistent with the resolution of the dispute, upon order of the Probate Court.

On the basis of the foregoing, your Master finds and recommends that the Court remove this deceased class member from Petition #12, and advise the heirs to seek assistance from the Mediation Center of the Pacific as well as their right to retain private counsel. Unless and until the parties interested in the Estate of Ronald Kanekoa notify the Probate Special Counsel that their disputes have been resolved, the Estate shall not be included in a petition within the Probate Plan.

(S) BETSY KA'AI PACHECO CHONG-FRIMODT

Your Master was recently informed that an heir of the decedent, Noel Martin, Jr., died on May 28, 2024. He was survived by his wife, Sheevrie Niihau-Mamone and they have two minor children together. He also has two other children from other partners. This new information does not affect your Master's findings and recommendations that the settlement funds be distributed to **DARILYN A. UILANI REVELL, Trustee of the Betsy Chong Revocable Living Trust dated December 17, 1988, as amended**, to be distributed in accordance with the terms of the Trust.

(BB) LORELEI MARIA KIKO CASTRO

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Louis R. Castro. There was no will or trust submitted. On or about September 24, 2024, your Master spoke to the decedent's spouse. He informed your Master that his spouse did have a Will and Trust. He contacted his estate planning attorney for a copy. Your Master attaches the Last Will and Testament of Lorelei Castro, dated April 10, 2013 (a true and correct copy is attached as Exhibit "3"), and the Louis R. Castro and Lorelei M.K. Castro Living Trust, dated April 10, 2013 (a true and correct copy is attached 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 amends her findings and recommendations and finds and recommends that this deceased class member's share of the Kalima settlement proceeds should be distributed to **LOUIS R. CASTRO, as Successor Trustee of the Louis R. Castro and Lorelei M.K. Castro Living Trust, dated April 10, 2013**, to be distributed in accordance with the terms of the Trust.

DATED: Honolulu, Hawai'i, on October 24, 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

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THE KALIMA CLASS ACTION
SETTLEMENT TRUST DATED JUNE 23,
2023.

T. No. 1CTR-23-0000142
(Trust Proceeding)

CERTIFICATE OF SERVICE

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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 persons.

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LOUIS ROSARIO CASTRO JR.
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DATED: Honolulu, Hawaii, October 24, 2024.

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