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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) **PROBATE SPECIAL MASTER'S REPORT RE: PETITION FOR INSTRUCTIONS #31, FILED AUGUST 17, 2026; EXHIBIT "1"; CERTIFICATE OF SERVICE** Hearing: Date: December 4, 2026 Time: 10:00 a.m. Judge: Honorable Jeannette H. Castagnetti

PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #31

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate Special Master to examine the Petition for Instructions #31, filed August 17, 2026 (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 Hawai'i Probate Rules.

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

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 now provides the following findings and recommendations. **If you are a family member and find any corrections or additional information, please contact the Master as soon as possible. Contact information is at at the top of the first page.**

Those who have an interest in these proceedings are invited to attend the hearing on December 4, 2026, at 10:00 a.m., at 777 Punchbowl Street, Honolulu, Hawaii, Fourth Floor or may participate via Zoom. **Instructions are included with this Report. Attendance is not required and is completely voluntary.**

II. DOCUMENTS EXAMINED AND OTHER RESEARCH

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

- Petition for Instructions #31, filed August 17, 2026, with Exhibits;

- Notice of Hearing published in the Star-Advertiser was published on October 5, 2026, and October 12, 2026;
- 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. On occasion, your Master is unable to make contact with a family member prior to filing her Report. In these instances, your Master makes several attempts to call or email the family members based on the contact information provided in the Facilitator database. Your Master relies on family members who receive and read the Report to contact your Master, if necessary. If additional information is discovered, your Master will supplement her Report prior to the hearing date.

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 Report. If the decedent is noted to be intestate, but there actually is a Will or Trust in existence, your Master requests that the family contact your Master, Probate Special Counsel, or 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 Kalima-lawsuit.com website.

Probate Special Counsel published Notice of the hearing on this Petition #31 in the Honolulu Star-Advertiser on October 5, 2026 and October 12, 2026. 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.

(A) HERBERT EMMETT SR.

Your Master reviewed the facts contained in Petition #31 as well as the data provided in

the Facilitator database. The decedent's death certificate lists marital status as Married to Emilie Rich, also known as Emilie Rich Kihoi. She died after the decedent in 2006.

At the time of the decedent's death, the 1976 Hawaii Session Laws, Act 200, "Uniform Probate Code Article II, Intestate Succession and Wills" was controlling.

Under Act 200, Section 560:2-102, "The intestate share of the surviving spouse is…[i]f there is surviving issue or parent of the decedent …, one-half of the intestate estate." There is no designated dollar amount that either should inherit before this provision applies. The surviving issue of the deceased child shall take by representation. Section 2-106. Your Master does not take any spousal or homestead elections into account due to the nature of the award and the date of death.

Because the surviving spouse died after the decedent, her estate controls. Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

The descendants of the decedent and the surviving spouse are the same and therefore shall receive the full settlement distribution. There were seven descendants, two of whom died after both parents. Their shares shall be distributed to their descendant and Trust as set forth below.

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 distributed to:

SARAH P. KIHOI – ONE-SEVENTH (1/7)
LEINAALA E. KIHOI – ONE-SEVENTH (1/7)
HERBERT E. KIHOI JR. – ONE-SEVENTH (1/7)
PENEKU KIHOI – ONE-SEVENTH (1/7)
ELIZABETH LONG – ONE-SEVENTH (1/7)
SETSUKO M. KIHOI REVOCABLE TRUST DATED May 31, 2018 – ONE-SEVENTH (1/7)
CURTISS WEHILANI KAHIKINA KIHOI – ONE-SEVENTH (1/7)

(B) SARAH KAAINOA LAANUI FALE

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Charlie Fale who died shortly after the decedent. No Will or Trust has been submitted. Your Master was unable to contact a family member at the time of filing this Report.

Pursuant to HRS §560:2-102, one or more of the decedent's surviving descendants are not descendants of the surviving spouse. Here, the estate of the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the settlement award does not exceed that amount. Therefore, pursuant to HRS §560:2-103, under the laws of intestacy, the descendants of the surviving spouse shall receive the distribution in equal shares.

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 distributed as follows:

ILA FALE – ONE-EIGHTH (1/8)
CHARLIE ESERA – ONE-EIGHTH (1/8)
SINIVA MOKOMA – ONE-EIGHTH (1/8)
CHARLIANN FALE – ONE-EIGHTH (1/8)
CHARLA T.N. FALE – ONE-EIGHTH (1/8)

CHARLIE S. FALE, JR. – ONE-EIGHTH (1/8)
CHARLENE M. FALE – ONE-EIGHTH (1/8)
CHARLES E. FALE – ONE-EIGHTH (1/8)

(C) ELEANOR PUANANI DACANAY

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Paul Dacanay, who died after the decedent. No Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

Because the surviving spouse died after the decedent, his estate controls. Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

PAUL ACOSTA – ONE-THIRD (1/3)
NAOMI OSBORNE – ONE-THIRD (1/3)
PAULA DACANAY – ONE-THIRD (1/3)

(D) AMY FREITAS

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's obituary notes that she was survived by her sons and daughters. The surviving spouse died in 2008.

Your Master reviewed the Last Will and Testament of Amy Mokihana Freitas, dated

January 22, 1973, which was admitted to probate on or about October 5, 1992 as well as the Letters Testamentary filed on November 12, 1992, both attached as Exhibit "A" to Petition #31.

Pursuant to Article II of said Last Will, the deceased class member's surviving spouse, **ROBERT FREITAS SR.**, was entitled to the deceased class member's residuary estate. **ROBERT FREITAS SR**. is now also deceased, and Petitioner believes his estate should govern the distribution of the deceased class member's settlement funds.

ROBERT FREITAS SR. also left a Last Will dated April 14, 2007, which appears to have been executed as a valid testamentary instrument. Said Will pours over to the Robert Freitas Sr. Revocable Living Trust dated April 14, 2007, as amended. The second amendment of the Trust identifies **ROBERT FREITAS JR.** and **BRYON N. FREITAS** as successor Co-Trustees. However, the "Order Granting Petition of Bryon N. Freitas as Co-Trustee of the Robert Freitas, Sr. Revocable Living Trust dated April 14, 2007 to Remove Robert Freitas, Jr. as Co-Trustee" was filed in the Circuit Court of the Third Circuit, State of Hawaii, on July 6, 2011 in P. No. 09-1-193. True and correct copies of the Last Will of **ROBERT FREITAS SR.**, his trust, and the Order removing **ROBERT FREITAS JR.** as Co-Trustee are collectively attached hereto as Exhibit "B" to Petition #31.

Based on the history of the Co-Trustees and the length of time since the surviving spouse's date of death, your Master finds and recommends that the most efficient course of action is for the Court to exercise its discretion and order the Trustee to distribute the settlement proceeds directly to the beneficiaries of the Robert Freitas Sr. Revocable Trust dated April 14, 2007, as amended:

BYRON N. FREITAS – ONE-SEVENTH (1/7)
DARLENE K. FREITAS – ONE-SEVENTH (1/7)
DELBERT K. FREITAS – ONE-SEVENTH (1/7)
AUDRENE KAMINSKI – ONE-SEVENTH (1/7)

MARVIN FREITAS – ONE-SEVENTH (1/7)
CATHLEEN PUANANI LENSUI CRAVALHO – ONE-SEVENTH (1/7)
ROBERT FREITAS JR. – ONE-SEVENTH (1/7)

(E) RICHARD MOKU KAHOONEI

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Leona June Mundon. There was no will or trust submitted. Your Master was unable to contact a family member by the time of filing this Petition.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when the decedent does not have any descendants, then the intestate share goes to the decedent's surviving spouse. Because the surviving spouse died after the decedent, her estate controls. Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

LAURILYN M. PUNI – ONE-HALF (1/2)
KENNYDEANE K. KANE – ONE-HALF (1/2)

(F) IRENE VIOLET KEALANAHELE

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master was contacted by the decedent's daughter,

Gertrenda, who confirmed that her mother did not have a Will or Trust and that the living heirs listed below accurately reflects the heirs of the decedent.

Although there was a prior probate proceeding, it has since been terminated. Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. The result is the same as that adjudicated in the probate proceeding.

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 distributed as follows:

NANCY HALL – ONE-THIRD (1/3)
GERTRENDA CHONG – ONE-THIRD (1/3)
KAENA LOPAKA P. MOOSE – ONE-NINTH (1/9)
XAVIER MOOSE – ONE-NINTH (1/9)
KAIULANI MOOSE – ONE-NINTH (1/9)

(G) <u>CARL MOOSE</u>

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. Your Master was contacted by the decedent's sister, Gertrenda, who confirmed that the below accurately reflects the living heirs of the decedent.

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

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 distributed as follows:

KAENA LOPAKA P. MOOSE – ONE-THIRD (1/3)
XAVIER MOOSE – ONE-THIRD (1/3)
KAIULANI MOOSE – ONE-THIRD (1/3)

(H) <u>HANNAH KAMAUOHA</u>

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced, and her divorce decree is attached as Exhibit "1." No Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

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

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 distributed as follows:

LANI ETE – ONE-SIXTH (1/6)
LEAH HAAHEA FAAMOE – ONE-SIXTH (1/6)
LEINAALA SALANOA – ONE-SIXTH (1/6)
LIANA AH QUIN – ONE-SIXTH (1/6)
3835 Quincy Ave
Ogden, Utah 84403

LEE SUNDELL – ONE-SIXTH (1/6)
LEHUA HILL – ONE-SIXTH (1/6)

(I) WINONA MOHEA GULICK

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

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

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 distributed as follows:

PAUL GULICK – ONE-THIRD (1/3)
DAVID GULICK – ONE-THIRD (1/3)
AVON REES – ONE-THIRD (1/3)

(J) GRETCHEN KAMAI

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's obituary states that she is survived by her husband Roy James Kamai Sr. There was no will or trust submitted. Your Master was unable to contact a family member by the time of filing this Petition.

Pursuant to HRS §560:2-102(1), 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 distributed to surviving spouse **ROY JAMES KAMAI SR.**

(K) <u>CLEMENT KAOPUA KANEHAILUA</u>

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Patricia Kanehailua.

Your Master reviewed the Last Will and Testament of Clement K. Kanehailua, dated November 1, 2012, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Kanehailua November 2, 3021 Family Trust.

The Trust indicates that Patricia A. Kanehailua is the next-acting Trustee. Copies of the Will and the Trust are attached as Exhibit "E" to Petition #31.

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 distributed to **PATRICIA A. KANEHAILUA, Trustee of the Kanehailua November 1, 2012 Family Trust, as amended,** to be distributed in accordance with the terms of the Trust.

(L) HELEN KAEO-KAWENEHE WAIWAIOLE PIRES

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. The decedent was survived by 10 children. William Lai "Boy" Chung, Jr., was survived by a spouse who shall take his share. Sarah Leinaala Akiona was survived by descendants and left a Pourover Will and Trust, attached as Exhibit "F" to Petition #31. The Will was improperly witnessed and the Short Form Trust document is incomplete. Based on the incomplete documents, your Master believes it is in the best interest of the heirs to treat this estate as intestate.

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 distributed as follows:

FRANK PIRES JR. – ONE-TENTH (1/10)
MARYKNOLL SPOTKAEFF – ONE-TENTH (1/10)
WILMA HELEN UILANI CHUNG SPOTKAEFF – ONE-TENTH (1/10)
DOLLY KAUA MEILING CHING ALVERIO – ONE-TENTH (1/10)
GERALDINE LUANA CHUNG GRANT – ONE-TENTH (1/10)
LINDA MAU ULULANI CHUNG CHOCK – ONE-TENTH (1/10)
TRINA DALE MOANA CHUNG – ONE-TENTH (1/10)
SUSAN GALE PILIALOHA CHUNG DELANE – ONE-TENTH (1/10)
KAREN R. CHUNG – ONE-TENTH (1/10)
TRINA LOTERBAURER - ONE-THIRTIETH (1/30)
KEVIN-GUY AKIONA - ONE-THIRTIETH (1/30)
GLENN SAKAMOTO - ONE-THIRTIETH (1/30)

(M) ELIZABETH MAHI FUKUDA

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. Your Master spoke to the decedent's daughter, Sandra Kelly. She confirmed that she and her two sisters are the only descendants of the decedent.

Your Master reviewed the Affidavit of Alternate Successor Trustee…" dated November 30, 2019, and attached as Exhibit "G" to Petition #31. Although there is reference to a Trust, your Master believes it is most prudent to follow the laws of intestacy unless a full trust document and pourover Will are produced.

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

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 distributed as follows:

SANDRA KELLY – ONE-THIRD (1/3)
SHIRLYNNE KELLEY – ONE-THIRD (1/3)
DEBORAH PEARSON – ONE-THIRD (1/3)

(N) LUCY HALEOLA OSHIRO

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Kiyoshi Oshiro who has since died. There was no will or trust submitted.

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."

Pursuant to HRS §560:2-102, one or more of the decedent's surviving descendants are not descendants of the surviving spouse. Here, the estate of the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the settlement award does not exceed that amount.

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 descendants of the decedent's surviving spouse as follows:

LEONARD K. OSHIRO – ONE-THIRD (1/3)
KURT L. OSHIRO – ONE-THIRD (1/3)
KORILYNN OSHIRO-REYES – ONE-THIRD (1/3)

(O) EDWARD KAMOHALII HUIHUI

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Dolores Fernandez, also known as Dolores Huihui, who died after the decedent. No Will or

Trust has been submitted. Your Master spoke to the decedent's son, Edward, Jr. He confirmed that his parents did not have a Will or Trust and that he and his five siblings were the only descendants of the decedent.

At the time of the decedent's death, the 1976 Hawaii Session Laws, Act 200, "Uniform Probate Code Article II, Intestate Succession and Wills" was controlling.

Under Act 200, Section 560:2-102, "The intestate share of the surviving spouse is…[i]f there is surviving issue or parent of the decedent …, one-half of the intestate estate." There is no designated dollar amount that either should inherit before this provision applies. The surviving issue of the deceased child shall take by representation. Section 2-106. Your Master does not take any spousal or homestead elections into account due to the nature of the award and the date of death.

Because the surviving spouse died after the decedent, her estate controls. Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. Because the descendants are all issue of the decedent and the surviving spouse, they are entitled to the entire settlement.

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 distributed as follows:

EDWARD HUIHUI, JR. – ONE-SIXTH (1/6)
FREDERICK HUIHUI - ONE-SIXTH (1/6)
ROLLAND HUIHUI – ONE-SIXTH (1/6)
HARVEY HUIHUI – ONE-SIXTH (1/6)

DONNA NEKOBA – ONE-SIXTH (1/6)
HEIDI HUIHUI – ONE-SIXTH (1/6)

(P) JULIE HAUNANI HUMBLE

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Richard f. Humble Jr. No Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

Pursuant to HRS §560:2-102, since one or more of the decedent's surviving descendants are not descendants of the surviving spouse, the surviving spouse is entitled to receive the first of a certain dollar amount then one-half of the balance is divided between the surviving spouse and the decedent's descendants. Because the surviving spouse died after the decedent, the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

First $100,000, plus one-half (1/2) any balance of the intestate estate:

CHARLES J.K. HUMBLE – ONE-FOURTH (1/4)
TONYIA LYNN TONER – ONE-FOURTH (1/4)
NATHAN R. HUMBLE – ONE-FOURTH (1/4)
ROBERT J. HUMBLE – ONE-FOURTH (1/4)

Remaining one-half (1/2) balance of the intestate estate:

CHARLES J.K. HUMBLE – ONE-SEVENTH (1/7)
TONYIA LYNN TONER – ONE-SEVENTH (1/7)

NATHAN R. HUMBLE - ONE-SEVENTH (1/7)
ROBERT J. HUMBLE - ONE-SEVENTH (1/7)
JANICE KAMAI – ONE-SEVENTH (1/7)
JANET KAMAI-PASTOR – ONE-SEVENTH (1/7)
JANELL KAMAI – ONE-SEVENTH (1/7)

(Q) ROBERT AKUNA VICTOR BELL

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widower. No Will or Trust has been submitted. Kimberly M. Keolanui contacted our office with new information. Glenn Bell has another child, Glenn Kealii Faris and Ryan Bell has a new address.

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

Two descendants predeceased the decedent and they have eight children total. They will share the 1/3 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 distributed as follows:

MATTHEW J.K. BELL – ONE-SIXTH (1/6)
GWENDOLYN "TWEETIE" BELL – ONE-SIXTH (1/6)
BLOSSOM BELL – ONE-SIXTH (1/6)
KIMBERLY M. KEOLANUI – ONE-SIXTH (1/6)
RYAN BELL – ONE-TWENTYFOURTH (1/24)
139 Kilmartin Valley Court
Las Vegas, Nevada 89148
RUSSELL BELL – ONE-TWENTYFOURTH (1/24)
RINA BELL – ONE-TWENTYFOURTH (1/24)
RICHARD KEOLA BELL – ONE-TWENTYFOURTH (1/24)

GLENN BELL JR. – ONE-TWENTYFOURTH (1/24)
PATRICIA MURRAY – ONE-TWENTYFOURTH (1/24)
GLENDA ORNELLAS – ONE-TWENTYFOURTH (1/24)
GLENN KEALII FARIS – ONE-TWENTYFOURTH (1/24)
236 North Circle Mauka Street
Wahiawa, Hawaii 96786

(R) KENNETH R. KEKOA

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Lilliam M. Nahulu. No Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

Because the surviving spouse died after the decedent, her estate controls. The surviving spouse remarried in this instance and her surviving spouse died after her. Pursuant to HRS §560:2-103, under the laws of intestacy, the surviving spouse's estate shall take.

Pursuant to HRS §560:2-102, since one or more of Lillian Kaneakua's surviving descendants are not descendants of her surviving spouse, the estate of surviving spouse Joseph Kaleialoha Kaneakua Jr. is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the settlement award does not exceed that amount.

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 descendants of Joseph Kaleialoha Kaneakua Jr.

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 distributed as follows:

LEEANN KANEAKUA – ONE-SIXTH (1/6)
JOLYN MOJICA – ONE-SIXTH (1/6)
JOSEPH KALEIALOHA KANEAKUA III – ONE-SIXTH (1/6)
CHRISTINE SYLVA – ONE-SIXTH (1/6)
KEVIN-TY KANEAKUA – ONE-SIXTH (1/6)
PHILOMENA KANEAKUA – ONE-SIXTH (1/6)

(S) <u>WILLIAM JEREMIAH</u>

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's obituary states that his spouse, Ivy Leimomi Mahelona Jeremiah passed in 2011. No Will or Trust has been submitted. Your Master received an email from decedent's daughter, Trudy So'o. She confirmed that her parents did not have a Will or Trust and that she and her three siblings are the only descendants of the decedent and surviving spouse.

At the time of the decedent's death, the 1976 Hawaii Session Laws, Act 200, "Uniform Probate Code Article II, Intestate Succession and Wills" was controlling.

Under Act 200, Section 560:2-102, "The intestate share of the surviving spouse is…[i]f there is surviving issue or parent of the decedent …, one-half of the intestate estate." There is no designated dollar amount that either should inherit before this provision applies. The surviving issue of the deceased child shall take by representation. Section 2-106. Your Master does not take any spousal or homestead elections into account due to the nature of the award and the date of death.

Because the surviving spouse died after the decedent, her estate controls. Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

BOWMAN K. JEREMIAH – ONE-FOURTH (1/4)
BYRON W. JEREMIAH – ONE-FOURTH (1/4)
TRUDY SO'O – ONE-FOURTH (1/4)
WILLIAM K. JEREMIAH III – ONE-FOURTH (1/4)

(T) <u>ELIZABETH WAILAAHIA YABUI</u>

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. One of the eight descendants died after the decedent and left three children who shall take her share.

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 distributed as follows:

DANIEL K. PUAA – ONE EIGHTH (1/8)
CHAD W. TABON-SNIFFEN – ONE EIGHTH (1/8)
OVETA N. PUAA – ONE EIGHTH (1/8)
LAWAINA PUAA-MALIIKAPU – ONE EIGHTH (1/8)
DAHNA KIKUYAMA – ONE EIGHTH (1/8)
URSULA PUAA-FREITAS – ONE EIGHTH (1/8)
GARILENE NOHEALANI PUAA – ONE EIGHTH (1/8)
STACY TABON – ONE-TWENTYFOURTH (1/24)
DANE KAINALU KAINA – ONE-TWENTYFOURTH (1/24)
ALIIKOA KAINA – ONE-TWENTYFOURTH (1/24)

(U) SUSIE KALIKO CLAONAN

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Guilirmo Claonan, who died after the decedent. Your Master received an email from the decedent's son, Gilmore Claonan, who confirmed that he and his two siblings are the only descendants of their parents.

Your Master reviewed the Last Will and Testament of Susie K. Claonan, dated August 12, 1991, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to her Trust. Exhibit "H" to Petition #31. The Trust was not provided however.

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."

Based on the decedent's date of death and the practicality of distributing the settlement efficiently, your Master finds and recommends that the Court order the Trustee to distribute this deceased class member's share of the *Kalima* settlement proceeds directly to the beneficiaries of the Trust who are also the decedent and surviving spouse's descendants and heirs:

GILMORE CLAONAN – ONE-THIRD (1/3)
BRIAN K. CLAONAN – ONE-THIRD (1/3)
SHARON KAUHANE – ONE-THIRD (1/3)

(V) FRANCIS ELROY KEKAUALUA

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Huberta Leimomi McBride, also known as Huberta Kekaualua. Your Master spoke to Huberta who confirmed that the decedent had no will or trust and they share the four descendants.

Your Master notes that the correct date of decedent's death is April 26, 1998, thus Act 200 does not apply. Pursuant to HRS §560:2-102(1), 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 distributed to surviving spouse **HUBERTA LEIMOMI KEKAUALUA.**

(W) GILBERT MAKUA

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widower. No

Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

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

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 distributed as follows:

MANULANI GARCIA – ONE-FIFTH (1/5)
KAIPO MAKUA – ONE-FIFTH (1/5)
MAHEALANI MAKUA – ONE-FIFTH (1/5)
NAPUA KEPA – ONE-FIFTH (1/5)
PUANANI TORRES – ONE-FIFTH (1/5)

(X) <u>SUSAN KUKANA KEAHI</u>

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. The decedent was survived by five descendants. Three died after the decedent, one of whom did not have any spouse or children so his share shall lapse to his siblings. The other two post-deceased children left descendants who shall take their shares.

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 distributed as follows:

SUSAN JOAQUIN – ONE-FOURTH (1/4)
MARY JEAN KEAHI – ONE-FOURTH (1/4)
DWAYNE KEAHI – ONE-EIGHTH (1/8)
CASEY-JOLENE KAMAUNU – ONE-EIGHTH (1/8)
SHELLEY KEAHI – ONE-FOURTH (1/4)

(Y) <u>RUBY KANEHAILUA</u>

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. The decedent had eight children, three of whom predeceased her. The 12 descendants of the three predeceased children shall take by representation pursuant to HRS §§560:2-103 and 560:2-709.

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 distributed as follows:

CHARLES KANEHAILUA – ONE-EIGHTH (1/8)
DORCAS KANEHAILUA – ONE-EIGHTH (1/8)
LUCILLA KANEHAILUA – ONE-EIGHTH (1/8)
LEHUA MARGETAK – ONE-EIGHTH (1/8)
PAULINE KANEHAILUA – ONE-EIGHTH (1/8)
LEILEHUA NICHOLS – ONE-THIRTY-SECOND (1/32)
TITUS TYNAN – ONE-THIRTY-SECOND (1/32)
TIMOTHY TYNAN – ONE-THIRTY-SECOND (1/32)
MARGUERITE ARMENTA – ONE-THIRTY-SECOND (1/32)
KEOLANI TYNAN – ONE-THIRTY-SECOND (1/32)
LOKELANI TYNAN – ONE-THIRTY-SECOND (1/32))
ERNEST K. KANEHAILUA III – ONE-THIRTY-SECOND (1/32)
DAVID KANEHAILUA – ONE-THIRTY-SECOND (1/32)
MILIAKA FLORES – ONE-THIRTY-SECOND (1/32)
MILILANI RAYMOND-KANEHAILUA – ONE-THIRTY-SECOND (1/32)
ALOHALANI KANEHAILUA – ONE-THIRTY-SECOND (1/32)
MAHEALANI KANEHAILUA-JENNINGS–ONE-THIRTY-SECOND (1/32)

(Z) ALLEN KAMA KAPELIELA

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Your Master reviewed the Last Will and Testament of Allen K. Kapeliela, dated January 31, 2018, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Allen K. Kapeliela Revocable Trust, dated January 31, 2018.

The attached Acceptance indicates that Heidi Kalopodes is the next-acting Trustee. Copies of the Will, the Short Form Trust and Acceptance are attached as Exhibit "I" to Petition #31.

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 distributed to **HEIDI KALOPODES, Successor Trustee of the Allen K. Kapeliela Revocable Trust dated January 31, 2018,** to be distributed in accordance with the terms of the Trust.

(AA) MARIANN KALANI CHUNG

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Donald Chung, who died after the decedent.

At the time of the decedent's death, the 1976 Hawaii Session Laws, Act 200, "Uniform Probate Code Article II, Intestate Succession and Wills" was controlling.

Under Act 200, Section 560:2-102, "The intestate share of the surviving spouse is…[i]f there is surviving issue or parent of the decedent …, one-half of the intestate estate." There is no designated dollar amount that either should inherit before this provision applies. The surviving issue of the deceased child shall take by representation. Section 2-106. Your Master does not take any spousal or homestead elections into account due to the nature of the award and the date of death. Because the issue of the surviving spouse are the same as the decedent's, the descendants shall take equally.

There were five children of the decedent and the surviving spouse. Two died after the decedent and spouse and their descendants shall take their shares.

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 distributed to:

EARL K.K. CHUNG – ONE-FIFTH (1/5)
APRIL L. CHUNG – ONE-FIFTH (1/5)
LARRY H.T.L. CHUNG – ONE-FIFTH (1/5)
MELONEE K. IOANE – ONE-FIFTH (1/5)
RANDY CHUNG – ONE-TWENTIETH (1/20)
IKAIKA KAUHANE – ONE-TWENTIETH (1/20)
MAKUA KAWELO – ONE-TWENTIETH (1/20)
JANA CHUNG-KEALOHI– ONE-TWENTIETH (1/20)

(BB) <u>DONALD SALAI KAM-LING CHUNG JR.</u>

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Randymae Hanauumiokanoena Kauhane, also known as, Randymae Chung. She died shortly after the decedent. No Will or Trust has been submitted. Your Master was unable to contact a family member by the time of filing this Petition.

Because the surviving spouse died after the decedent, her estate controls. Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. There were four children. Two died after their parents and their descendant or spouse shall take their share.

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 distributed as follows:

RANDY CHUNG – ONE-FOURTH (1/4)
IKAIKA KAUHANE – ONE-FOURTH (1/4)
MAKUA KAWELO – ONE-FOURTH (1/4)
JANA CHUNG-KEALOHI – ONE-FOURTH (1/4)

(CC) <u>CLINTON MOKIHANA DUDOIT SR.</u>

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Your Master reviewed the Last Will and Testament of Clinton Mokihana, dated March 10, 2020, which has not been admitted to probate. The Will references the appointment of a Trustee, "if any Trust is established by this Will…" but does not identify a Trust. Exhibit "J" to Petition #31.

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."

Since there is no actual Trust documents, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed directly to the decedent's descendants by the laws of intestacy as follows:

MAMO C. DUDOIT-NOMURA – ONE-FIFTH (1/5)
HARTWELL DUDOIT – ONE-FIFTH (1/5)
CLINTON DUDOIT – ONE-FIFTH (1/5)
JACOB DUDOIT – ONE-FIFTH (1/5)
KAWAILANI HAYASHIDA – ONE-FIFTH (1/5)

(DD) HAROLD EDWIN BERTELMANN

Your Master reviewed the mediation agreement filed herein on or about August 11, 2026 by the Ku‘ikahi Mediation Center. Said agreement reflects that the interested parties for this family have agreed to equally share the settlement funds due to the deceased class member’s estate. A true and correct copy of the mediation agreement is attached hereto as Exhibit “L”.

On the basis of the foregoing, your Master is pleased to find and recommend that the deceased class member’s share of the *Kalima* settlement proceeds should be distributed as follows:

KEVIN BERTELMANN – ONE-FIFTH (1/5)
CHRIS BERTELMANN – ONE-FIFTH (1/5)
EDWIN BERTELMANN – ONE-FIFTH (1/5)
BARRON BERTELMANN – ONE-FIFTH (1/5)
KAREN CORPUZ – ONE-FIFTH (1/5)

(EE) MARY ELEANOR

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master spoke to the decedent’s son Mark Ward, and he confirmed that his mother did not have a Will or Trust. He also confirmed that he had three siblings and that John is deceased. He informed your Master that Rene had her daughter, Virginia Thornton, when she was very young and was given up for adoption. The family who adopted and raised Virginia were not related to Rene.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent’s descendants in equal shares. There were four children, one of whom died after the decedent. Decedent’s son John Ward was survived by

his spouse Rene who subsequently died. John had a son, Chad Michael Ward who predeceased his mother and left descendant Alexia.

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 distributed as follows:

MARK WARD – ONE-FOURTH (1/4)
CAROL COFIELD – ONE-FOURTH (1/4)
JACKIE WILLIAMS – ONE-FOURTH (1/4)
ALEXIA WARD – ONE-FOURTH (1/4)

(FF) <u>JULIA FLORES TSUGAWA</u>

Your Master reviewed the facts contained in Petition #31 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Your Master reviewed the Letters Testamentary appointing Sidney Hiroshi Patrick Tsugawa as the Personal Representative of this estate, filed August 27, 2009. Exhibit "M" to Petition #31. Your Master was informed that Sidney's legal name is Sidney Hiroshi Tsugawa and that Sidney Hiroshi Patrick Tsugawa is his baptismal name. Your Master also reviewed the Last Will and Testament of Julia Flores Tsugawa, attached hereto as Exhibit "N" to Petition #31. The Will directs an equal distribution to the decedent's five children. One predeceased the decedent and left no descendants so her share shall lapse to her siblings.

Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "adjudicated in such deceased Class Member's 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 distributed as follows:

SIDNEY HIROSHI PATRICK TSUGAWA – ONE-FOURTH (1/4)
LLEWELLYN MAHEALANI TSUGAWA – ONE-FOURTH (1/4)
MELVIN KENJI TSUGAWA – ONE-FOURTH (1/4)
BEVERLY PIILANI WASDO – ONE-FOURTH (1/4)

IV. CONCLUSION

WHEREFORE, your Master recommends and prays as follows:

A. That the Court approve and adopt this Master's Report Re: Petition for Instructions #31;

B. That the Court grant the Petition for Instructions #31, filed August 17, 2026;

C. That the Court find that jurisdictional requirements have been met and the venue is proper;

D. That the Court finds 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 finds 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 Hawai‘i Probate Rule 34(a) accordingly; and

I. That the Court grant such other and further relief as this Court may deem just and equitable.

DATED: Honolulu, Hawai‘i, on October 28, 2026.

/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 persons.

SARAH PUAOLA KIHOI
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Kaiua-Kona, Hawaii 96745

HERBERT E. KIHOI JR.
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PENEKU KIHOI
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CHARLIE SIALE
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CHARLENE M. FALE
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