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Probate Special Counsel

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)

ORDER GRANTING PETITION FOR
INSTRUCTIONS #10

HEARING:

DATE: September 27, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

Please Note Changes

ORDER GRANTING PETITION FOR INSTRUCTIONS #10

The PETITION FOR INSTRUCTIONS #10 filed herein on June 14, 2024 (the "Petition"), came on for hearing on Friday, September 27, 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 #10 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 #10 filed herein on or about August 27, 2024, and as supplemented by the Probate Special Master's First Supplement to Report Re: PETITION FOR INSTRUCTIONS #10 Filed on June 14, 2024, filed on September 9, 2024, the Second Supplement to Special Master's Report Re: PETITION FOR INSTRUCTIONS #10 Filed June 14, 2024, filed on September 20, 2024, and the Third Supplement to Probate Special Master's Report Re: PETITION FOR INSTRUCTIONS #10 Filed June 14, 2024, filed on October 1, 2024, as well as any amendments made during the hearing, and the Minute Order filed by this Honorable Court on October 16, 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 #10 filed

herein on June 14, 2024, from THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023, as recommended by the Probate Special Master, as follows:

(A) **MARY K. AU**

MYRONNETTE N. AU-KALAMA, Trustee of the Mary M.K. Au Trust dated January 12, 2009 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(B) **GLENN GAYNE AU**

WILLIAM-HENRY K. AU - 100%

(C) **WILLIAM KUKAUA JR.**

LOUIS KUKAUA - 100%

(D) **MARY LOUISE MAULIOLA**

CYNTHIA A. MAULIOLA, Trustee of the Theodore Y. and Mary L. Mauliola Living Trust dated February 22, 1995 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(E) **LILLIAN MEHEULA FUKUDA**

WANDA L. REWICK - ONE-HALF (1/2)
SOLOMON K. KAUIANANA - ONE-HALF (1/2)
(also known as SOLOMON K.K. FUKUDA)

(F) **LAWRENCE JAMES MUNDON**

GILLEN KAMOANI NEFF, Trustee of the Maxine Onaona Mundon Revocable Living Trust dated September 30, 1993 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(G) **SOLOMON KALIULA PAAKAULA SR.**

LORI L. PAAKAULA, Trustee of the Solomon K. Paakaula Trust dated August 9, 2008 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(H) **ESTHER PUAKIELE PAAKAULA**

THOMAS S. PAAKAULA, Trustee of the Esther P. Paakaula Trust dated August 9, 2008, as restated - ALL (100%) to be distributed in accordance with the provisions of the Trust

(I) **OLGA PUALANI KALI HOLI**

MONA JOY MAPUANA HOLI - 100%

(J) **JOHN ALLEN KAHALE**

GEORGETTE LOA, Trustee of the John Allen Kahale Living Trust dated November 5, 1997 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(K) **THOMAS MOSES YIN**

NICOLE P. KAAI - ONE-THIRD (1/3)
ROXANNE A. CULLEN - ONE-THIRD (1/3)
TOMALIN A. SUNIA - ONE-THIRD (1/3)

(L) **ANNIE KEKONA**

GRACE U. GOMES - ONE-SEVENTH (1/7)
YOLANDA K. DUKES - ONE-SEVENTH (1/7)
JAYNELL L. HUTCHINSON - ONE-SEVENTH (1/7)
ANTHONY K. KEKONA, III - ONE-SEVENTH (1/7)
AMANDA KEKONA - ONE-TWENTY EIGHTH (1/28)
ANITA KEKONA - ONE-TWENTY EIGHTH (1/28)
ADAM KEKONA - ONE-TWENTY EIGHTH (1/28)
KELLY KEKONA - ONE-TWENTY EIGHTH (1/28)
JACQUELINE MAHOE KEKONA - ONE-TWENTY FIRST (1/21)
KALANI KEKONA - ONE-TWENTY FIRST (1/21)
KEONE KEKONA - ONE-TWENTY FIRST (1/21)
HAUA KEKONA - ONE-SEVENTH (1/7)

(M) **EVELYN ALOHA KAUMAEOLE WISE**

ALICE WISE - ONE-EIGHTH (1/8)
EDWIN WISE - ONE-EIGHTH (1/8)
DAVID WISE - ONE-EIGHTH (1/8)
TRAVIS WISE - ONE-EIGHTH (1/8)
BERNADETTE KOVALSCK - ONE-EIGHTH (1/8)
EDWINA KALAOLA - ONE-EIGHTH (1/8)

DELPHINE AGLIAM - ONE-EIGHTH (1/8)
SHANTEL WISE - ONE-EIGHTH (1/8)

(N) **JOSEPH KALAHUOLE KAMAI**

LAURA PUCHERT as Trustee of the Kamai Family Revocable Living Trust dated April 6, 2005 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(O) **MARGARET K. KAUWALE**

JOSEPH KAUWALE III, Trustee under the Joseph Kauwale, Jr. and Margaret K. Kuawale Joint Trust dated September 4, 2005 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(P) **LINDA MAE LENCHANKO**

JO-LIN L. KALIMAPAU and THOMAS J. LENCHANKO, Co-Trustees of the Linda Mae Lenchanko Revocable Trust dated June 18, 1990 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(Q) **IWALANI LELING LEOPOLDO**

NORMAN E. LEOPOLDO, JR. - ONE-SIXTH (1/6)
BERTRAM C. LEOPOLDO - ONE-SIXTH (1/6)
MICHAEL J. ROQUE - ONE-SIXTH (1/6)
ANTHONY D. ROQUE - ONE-SIXTH (1/6)
PATRICK M. ROQUE - ONE-SIXTH (1/6)
CONSTANCE L. MAHUKA - ONE-SIXTH (1/6)

(R) **CHARLA ANN HAUNANI HUDDY LUM**

KIHALANI M.L.L. PAYTON, Trustee of the Landis K. Lum, Jr. and Charla Ann H. Lum Living Trust dated March 24, 2004 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(S) **LANDIS KALEPAOKEKAUIHALA LUM**

KIHALANI M.L.L. PAYTON, Trustee of the Landis K. Lum, Jr. and Charla Ann H. Lum Living Trust dated March 24, 2004 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(T) **LANIHAU WAI LIN LUM LA BONTA**

LOEAU K. LA BONTA - 100%

(U) **HERMAN SOARES**

KALEINANI SOARES - ONE-HALF (1/2)

GORDON H. SOARES - ONE-HALF (1/2)

(V) **REBECCA K. YOUNG**

LLOYD K. YOUNG, JR., Trustee of the Rebecca K. Young Trust dated December 31, 1996 ALL (100%) to be distributed in accordance with the provisions of the Trust

(W) **JOSEPH DAMIEN DELAGINTE SR.**

CAROL ANN LANGLEY - ONE-FOURTH (1/4)

INEZ TEIJEIRO - ONE-FOURTH (1/4)

JOSEPH D. DELAGINTE JR. - ONE-FOURTH (1/4)

QUINTIN L. DELAGINTE - ONE-FOURTH (1/4)

(X) **ETHEL MAKAHALA CHRISTENSEN**

SANGRIA LANGFORD-CHRISTENSEN, now known as SANGRIA FAITH SALGADO ^{AL} - 100%

(Y) **KWEN-LYNN KALEONALANI KAMAE BRANDOW**

CRAIG T. BRANDOW - 100%

(Z) **WILLIAM KAMAKAHOA KAHIKINA SR.**

BEVERLY A. KAHIKINA - 100%

(AA) **MARKS MALAKI KAHIKINA JR.**

FRANCINE KAUIKEOKALANI DOLE - 100%

(BB) **BERTHA KALAHAUOLI HUIHUI**

JO K. KEOHOHOU - ONE-THIRD (1/3)

JOSEPH K. MCCARTHY - ONE-THIRD (1/3)

DIANA C. TUAZON - ONE-THIRD (1/3)

(CC) **TRASK DWIGHT KIKAU HUDDY**

TRACIE K.H. BALINO, Trustee of the Trask D.K. Huddy Revocable Trust dated November 16, 2018 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(DD) **LEN-ERNA HOAKALEI COTTON**

JEFFREY RALPH COTTON - 100%

(EE) **WILDA NOELANI LEWIS DELORM**

GEORGE B. DELORM - ONE-THIRD (1/3)
DIANE N. PHILLIPS - ONE-THIRD (1/3)
JENEAN I. TATOM - ONE-NINTH (1/9)
MARCEL P. TATOM-MEDEIROS - ONE-NINTH (1/9)
ROBERT L. TATOM - ONE-NINTH (1/9)

E. Upon filing proof that the distributions set forth herein have been made, the aforesaid 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 \$19,563.66, plus general excise tax (4.712%) thereon in the amount of \$921.84, plus costs in the amount of \$3,911.62, of which \$1,198.11 were paid from the Client Trust Account and \$2,713.51 were advanced and can be reimbursed. The grand total to be paid to SCOTT C. SUZUKI, ESQ. is **\$23,199.01** and this amount is approved, to be paid in the manner set forth in the Probate Plan;

G. Fees to Probate Special Master, EMILY H. KAWASHIMA, ESQ., in the amount of \$12,290.00, plus general excise tax (4.712%) thereon in the amount of \$519.87, plus costs in the amount of \$1,400.14, which were advanced by the Claims Administrator, for a grand total of **\$12,809.87** are approved, to be paid in the manner set forth in the Probate Plan; and

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, NOV - 1 2024.

/s/ Jeannette H. Castagnetti
Judge of the Above-Entitled Court



APPROVED BY:

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

T. No. 1CTR-23-0000142 (Trust Proceeding); IN THE MATTER OF THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023; ORDER GRANTING PETITION FOR INSTRUCTIONS #10.