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FIRST CIRCUIT
1CTR-23-0000142
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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 #11

HEARING:

DATE: October 4, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

Please note changes

ORDER GRANTING PETITION FOR INSTRUCTIONS #11

The PETITION FOR INSTRUCTIONS #11 filed herein on July 8, 2024 (the "Petition"), came on for hearing on Friday, October 4, 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 #11 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 #11 filed herein on or about September 4, 2024, as supplemented on December 2, 2024, as well as any amendments made during the hearing, and the Minute Order filed by this Honorable Court on December 9, 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 #11 filed herein on July 8, 2024, from THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023, as recommended by the Probate Special Master, as follows:

(A) **DOREEN D.P. CHOCK**

HAMILTON M.S. CHOCK, Trustee of the Chock Family Trust dated February 23, 2018 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(B) **PETER KONOHA, JR.**

MARGARET A. KONOHA - 100%

(C) **HOWARD WENDELL KUHIA WILSON**

CORAL ANN PRINCE-WILSON, Trustee of the Howard Wendell Kuhia Wilson Trust dated July 19, 1990 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(D) **LAWRENCE PAPAIANO KAOWILI**

L. KAUILANI STANFIELD, Trustee of the Lynette L. Kaowili Grantor Trust dated August 18, 2011 - ONE-HALF (1/2) to be distributed in accordance with the provisions of the Trust

LAUREEN K. STANFIELD - ONE-TENTH (1/10)

OCEAN PAPAIANO KAOWILI - ONE-TENTH (1/10)

LORNA MELE HAUOLI KOMETANI - ONE-TENTH (1/10)

LAWRENCE KALANI KAOWILI - ONE-TENTH (1/10)

KEENAN K. SANIATAN - ONE-FOURTIETH (1/40)

KELI-GRACE SANIATAN - ONE-FOURTIETH (1/40)

KAI K. SANIATAN - ONE-FOURTIETH (1/40)

KULIA SANIATAN also known as KINA KAOWILI- ONE-FOURTIETH (1/40)

AL

(E) **LYNETTE L. KAOWILI-TAKAYESU**

L. KAUILANI STANFIELD, whose full legal name is LAUREEN KAUILANI STANFIELD, Trustee of the Lynette L. Kaowili Grantor Trust dated August 18, 2011 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(F) **AMBROSE KAMAHEA POAHA**

AGNES CHANTELL RIBORDY-POAHA, Successor Trustee of the Edna Jean Poaha Revocable Living Trust - ALL (100%) to be distributed in accordance with the provisions of the Trust

(G) **LEILANI LILAC PISONI**

TIMOTHY R. PISONI - 100%

(H) **JOSEPHINE KAUIKAMEALOHAIPONOIA HILL**

LESLIE GAEL KUUIPO HILL, Personal Representative of Estate of JOSEPHINE KAUKAMEALOHAIPONOIA HILL - 100% to be administered in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560

(I) **JULIUS KALEIAHIHI KUHNS, JR.**

CHANDRA WOLTERS - ONE-FIFTH (1/5)
JANICE K. KUHNS - ONE-FIFTH (1/5)
KEO KALEIAHIHI-KUHNS - ONE-FIFTH (1/5)
CECILIA-ANUENUE M. KALEIAHIHI-KUHNS - ONE-FIFTH (1/5)
ISAAC KALEIAHIHI-KUHNS - ONE-FIFTH (1/5)

(J) **ELAINE AH LEN NEEDHAM**

KIMO W. NEEDHAM - ONE-THIRD (1/3)
K.K.H.N., A MINOR CHILD - ONE-THIRD (1/3)
H.Q.H.N., A MINOR CHILD - ONE-THIRD (1/3)

(K) **VIOLET KAPULANI SILVA**

LOUIS ANTONE SILVA, JR., Personal Representative of the Estate of Violet Kapulani Silva - ALL (100%) to be administered in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560

(L) **GWEN GWENDOLYN PUAALA KIM** AL

WENDY S. NAMOCA - 100%

(M) **GENEVIEVE M. FRANCISCO**

GERRI-ANN K. FRANCISCO - 100%

(N) **GEORGE HALEAKALA NIAU**

ANGEL K. MORALES - ONE-HALF (1/2)
MELISSA K. NIAU-PULE - ONE-HALF (1/2)

(O) **HERMAN JOSEPH KILA**

LOVEE-ANN I. POLLACK, Trustee of the Herman J. Kila Revocable Trust dated April 19, 1996, as amended - ALL

(100%) to be distributed in accordance with the provisions of the Trust

(P) **JACOB YOON ON CHUNG SR.**

JADE KAUIKEAOLANI RICHARDSON, Trustee of the Jacob Y.O. Chung and Winifred J. Chung Revocable Trust dated October 7, 1998 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(Q) **STANLEY ROGER ALAPA**

LAURA K. ALAPA-ESTERBROOK, Trustee of the Shirley Joan Alapa Revocable Living Trust dated August 29, 2018 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(R) **RICHARD KANEHUNAMOKU AKUNA SR.**

MEI-LING FRISHKORN - 100%

(S) **HANDIE K. AH PUCK**

CHRISTINE K. AH PUCK, Trustee of the Ah Puck Ohana Trust dated January 5, 2005 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(T) **LEI WAIOLA DELUZE**

MICHAEL R. DELUZE - 100%

(U) **NELSON EDWARD GASPAR JR.**

TRACEY DENAULT - 100%

(V) **WARREN W. GASPAR SR.**

ANDRA L. TEJERO-GASPAR - 100%

(W) **HENRY HULILANI GEORGE JR.**

DIANE L. TEXIDOR, Trustee of the Henry H. George, Jr. Revocable Trust Agreement dated August 16, 2000 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(X) **GAYLORD N. GLUSHENKO**

TRISHA KEANU-LUA - ONE HALF (1/2)
GAYLORD NALANI GLUSHENKO JR. - ONE HALF (1/2)

(Y) **JOHN IVANIAGE GLUSHENKO**

IVAN C. GLUSHENKO - ONE HALF (1/2)
KAENA T. GLUSHENKO - ONE HALF (1/2)

(Z) **JAMES KAHANUI GOMARD**

MARY LOUISE GOMARD, Trustee of the James Kahanui Gomard and Mary Louise Gomard Revocable Living Trust Agreement dated July 11, 1996 - ALL (100%) to be administered in accordance with the provisions of the Trust

(AA) **ERMA GOMEZ**

KIM K. CARNAHAN (formerly known as KIM K. BARNES) and YVONNE K. DE LUZE (formerly known as YVONNE K. SABOLBORO), Co-Trustees of the Erma K. Gomez Revocable Trust dated September 12, 2002 - ALL (100%) to be administered in accordance with the provisions of the Trust

(BB) **JAMES LLOYD KAUWE**

JAMES L. KAUWE JR. - ONE-FOURTH (1/4)
KENNETH KAUWE - ONE-FOURTH (1/4)
DONALD KAUWE - ONE-FOURTH (1/4)
YVONNE MAMARIL - ONE-FOURTH (1/4)

(CC) **DERIAH WAHINEAUKAI DEMELLO DE MELLO**

DELBERT L. DEMELLO DE MELLO - ONE-FIFTH (1/5)
DERIAH K. AANA - ONE-FIFTH (1/5)
VANESSA DALE W. DEMELLO DE MELLO - ONE-FIFTH (1/5)
DARRELL DEAN K. DEMELLO DE MELLO - ONE-FIFTH (1/5)
DONNA L. DEMELLO DE MELLO - ONE-FIFTH (1/5)

(DD) **LEIMOMI PEARL JOHNSON**

DERRIN A.K. JOHNSON - ONE-THIRD (1/3)
HEALOHA P. CARMICHAEL - ONE-THIRD (1/3)
MICHAEL L. JOHNSON - ONE-THIRD (1/3)

(EE) **VIRGIL EMMITT DAY JR.**

CHARMAINE KAILIPAKA-DAY - 100%

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 \$15,592.75, plus general excise tax (4.712%) thereon in the amount of \$734.73, plus costs in the amount of \$3,190.18, for a grand total of **\$19,517.66** are 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 \$10,330.00, plus general excise tax (4.712%) thereon in the amount of \$486.75, plus costs in the amount of \$1,438.82, which were advanced by the Claims Administrator, for a grand total of **\$10,757.24** are approved, to be paid in the manner set forth in the Probate Plan; and

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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, DEC 12 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 #11.