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FIRST CIRCUIT
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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 #12

HEARING:

DATE: November 1, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

Please note changes

ORDER GRANTING PETITION FOR INSTRUCTIONS #12

The PETITION FOR INSTRUCTIONS #12 filed herein on August 9, 2024 (the "Petition"), came on for hearing on Friday, November 1, 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 #12 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 #12 filed herein on or about October 1, 2024, as supplemented on October 24, 2024 (and corrected by errata on October 25, 2024), and as further supplemented on October 31, 2024, as well as any amendments made during the hearing;

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 #12 filed herein on August 9, 2024, from THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023, as recommended by the Probate Special Master, as follows:

(A) **JACOB KANAHELE BUNIEL**

TARA BUNIEL-LADOUCEUR, Trustee of the Buniel Trust dated May 25, 1988, as amended - ALL (100%) to be administered in accordance with the provisions of the Trust

(B) **MARY LOUISE BUNIEL**

TARA BUNIEL-LADOUCEUR, Trustee of the Trust dated May 25, 1988, as amended - ALL (100%) to be administered in accordance with the provisions of the Trust

(C) **EMILY LEINAALA KAMAKA**

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

(D) **MARTINSON PELE KANIHO, SR.**

SHARON KANIHO - FIRST \$100,000, PLUS ONE-HALF OF ANY BALANCE

RICHARD KANIHO - ONE-SIXTH (1/6) OF ANY BALANCE
TONI KANIHO - ONE-SIXTH (1/6) OF ANY BALANCE
VIVIAN KANIHO - ONE-SIXTH (1/6) OF ANY BALANCE

(E) **DORALENE UILANI JOHNSON**

KAHALA GANION - ONE-THIRD (1/3)
COREY BORGES - ONE-THIRD (1/3)
KAINOA P. JOHNSON - ONE-THIRD (1/3)

(F) **THOMAS KANIHO**

LEEBOERT NABOA - ONE-ELEVENTH (1/11)
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)
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)

(G) **HORACE KANNO**

DARELYN MOANA ARTER - ONE-SIXTH (1/6)
KEITH KANNO - ONE-SIXTH (1/6)
ROBERT KELE KANNO - TWO-THIRDS (2/3)

(H) **ELIZABETH L. KANOA**

LAWRENCE KANOA - ALL (100%)

(I) **EDWARD JAMES KANOHO**

CLARA RODRIGUES - ONE-FIFTH (1/5)
NORMAN KANOHO - ONE-TWENTIETH (1/20)
WARREN KANOHO - ONE-TWENTIETH (1/20)
~~LESLIE~~ LESLEY MORALES - ONE-TWENTIETH (1/20) AL
JAMIE ROBINETT - ONE-TWENTIETH (1/20)
FARRELL KANOHO - ONE-TWENTIETH (1/20)
RADS FORD FELIX - ONE-TWENTIETH (1/20)
HOLLY CORDERO - ONE-TWENTIETH (1/20)
CANDI-ANN GANOTISI - ONE-TWENTIETH (1/20)
JULIANA MONTALVO - ONE-FIFTH (1/5)
DARLENE MACULEY - ONE-TENTH (1/10)
EDWARD A.K. KANOHO - ONE-TENTH (1/10)

(J) **ANNIE KUULEI FELIX**

FARRELL W. KANOHO - ONE-FOURTH (1/4)
RADS FORD FELIX - ONE-FOURTH (1/4)
HOLLY CORDERO - ONE-FOURTH (1/4)
CANDI-ANN GANOTISI - ONE-FOURTH (1/4)

(K) **HAROLYNN N. HONG**

NATASHA KEPANI: ONE-HALF (1/2)
ELIZABETH FRANCO: ONE-HALF (1/2)

(L) **RONALD KANEKOA**

This deceased class member shall be removed from the Petition for Instructions #12 in accordance with Paragraph F of the *Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings*, filed December 29, 2023 ("Omnibus Order") [Dkt. 12] and Provision XV of the *Probate Plan*, filed as Exhibit "A" to the Omnibus Order.

The interested parties are ordered to go to the Mediation Center of the Pacific to seek resolution of their disputes. Upon resolution of the interested parties' dispute as it relates to the distribution of the Deceased Class Member's settlement proceeds, the interested parties shall notify the Probate Special Counsel to be included in a later Petition for Instructions.

(M) **REBECCA SIALANA**

BRENDA JOSE, Trustee of the Rebecca L. Sialana Revocable Living Trust dated April 18, 1996, as amended, - ALL (100%) to be administered in accordance with the provisions of the Trust

(N) **JOSEPH LUAEHU LYONS, JR.**

ROYLIN CORDOBAN - ONE-TWELFTH (1/12)
RYAN CORDOBAN - ONE-TWELFTH (1/12)
OLA ISABEL - ONE-SIXTH (1/6)
LORETTA WHITAKER - ONE-SIXTH (1/6)
LEIALOHA KONDO - ONE-SIXTH (1/6)
KANANI ADOLPHO - ONE-SIXTH (1/6)
JOENELL LYONS-MANGCA - ONE-SIXTH (1/6)

(O) **WILLIE PUALOA JR.**

VERLA K. MOORE - ONE-SEVENTH (1/7)
WILLIE PUALOA III - ONE-SEVENTH (1/7)
RICHARD PUALOA - ONE-SEVENTH (1/7)
RUBY ANN P. MORGAN-CHASE - ONE-SEVENTH (1/7)
COLLEEN U. PUALOA - ONE-SEVENTH (1/7)
GLADYS I. TANO - ONE-SEVENTH (1/7)
LOIS N. PUALOA-UBANDO - ONE-SEVENTH (1/7)

(P) **KAREN PIIKUAHIWI MACDONALD**

RALPH MAKANANI - ONE-SIXTH (1/6)
ROBERTELEONARD KAHUNANUI - ONE-SIXTH (1/6)
ROGERWILLIAMS MAKANANI - ONE-SIXTH (1/6)
ROYMAND MAKANANI - ONE-SIXTH (1/6)
ROBERTRIANROYSON MAKANANI - ONE-SIXTH (1/6)
KREESHERADAWNNIELLE MAKANANI - ONE-SIXTH (1/6)

(Q) **COLETTE Y. MACHADO**

MYRON R. AKUTAGAWA - ALL (100%)

(R) **JULIA EWALANI MAHOE**

SOLOMON KEAHIALOHA MAHO - ALL (100%)

(S) **BETSY KA`AI PACHECO CHONG-FRIMODT**

DARILYN A. UILANI REVELL, Trustee of the Betsy Chong Revocable Living Trust dated December 17, 1988, as amended - ALL (100%) to be administered in accordance with the provisions of the Trust

(T) **EMILY J.K. TUNG-LOONG**

MENDY TUNG-LOONG-CANTERO - ONE-THIRD (1/3)
MELVIN TUNG-LOONG JR. - ONE-THIRD (1/3)
STINEE M. HEW LEN - ONE-THIRD (1/3)

(U) **THEODORE LEWIS KINIMAKA**

SHAWN L. KINIMAKA - ONE-HALF (1/2)
MARK C. KINIMAKA - ONE-HALF (1/2)

(V) **RUTH MARIE KINIMAKA**

SHAWN L. KINIMAKA - ONE-HALF (1/2)
MARK C. KINIMAKA - ONE-HALF (1/2)

(W) **NORMA KUULEI KAUNAMANO**

NORMA JEAN K. MCCOY - ONE HALF (1/2)
WAYNE K. KAUNAMANO JR - ONE HALF (1/2)

(X) **JOHN OWEN KAMAKELE III**

LORIOSA CORDERO KAMAKELE - ALL (100%)

(Y) **LABORETT PAAHANA KAMAILE SR.**

LUCILLE P. POEPOE - ONE-SEVENTH (1/7)
LABORETT P. KAMAILE JR. - ONE-SEVENTH (1/7)
LIWAI I. KAMAILE - ONE-SEVENTH (1/7)
REMUS K. KAMAILE - ONE-SEVENTH (1/7)
REENA B. WHELAN - ONE-SEVENTH (1/7)
RAYMOND E. KAMAILE - ONE-SEVENTH (1/7)
RUDOLPH KOLII-LAGASCA - ONE-SEVENTH (1/7)

(Z) **LYNETTE ELIZABETH ALAPAI DELIMA**

ABNER K. DELIMA, as Personal Representative of the Estate of Lynette E. DeLima - ALL (100%) to be administered in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate

(AA) **MARK KENT DE COSTA**

DEBRA ELLEN DECOSTA - ALL (100%)

(BB) **LORELEI MARIA KIKO CASTRO**

LOUIS R. CASTRO, as Successor Trustee of the Louis R. Castro and Lorelei M.K. Castro Living Trust, dated April 10, 2013 - ALL (100%) to be administered in accordance with the provisions of the Trust

(CC) **ESTHER NAEOLE**

HARRY L.N.R. AUWELOA - ALL (100%)

(DD) **GWEN CALLEON**

CANDACE M. CALLEON - ONE-HALF (1/2)
FREDERICK E. CALLEON - ONE-HALF (1/2)

(EE) **WALLACE AUKAI**

CHERYL A. PADEKEN - ONE-HALF (1/2)
BRANDON W.K. AUKAI - ONE-HALF (1/2)

(FF) **THOMAS LINDSEY KANAKANUI MEYERS JR.**

MONIC H.K.MEYERS - ALL (100%)

(GG) **PAULINE WAUALA MERCK**

DANIEL H. MERCK - ALL (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 \$20,385.00, plus general excise tax (4.712%) thereon in the amount of \$960.54, plus costs in the amount of \$4,807.25 (\$10.00 of which was paid out of the Client Trust Account), for a grand total of \$26,152.79 are approved, and the total amount of **\$26,142.79** shall be paid to Probate Special Counsel, SCOTT C. SUZUKI, ESQ., in the manner set forth in the Probate Plan;

G. Fees to Probate Special Master, EMILY H. KAWASHIMA, ESQ., in the amount of \$14,605.00, plus general excise tax (4.712%) thereon in the amount of \$629.63, plus costs in the amount of

\$1,358.26, which were advanced by the Claims Administrator, for a grand total of \$16,592.89 are approved, and the total amount of **\$15,234.63** shall be paid to Probate Special Master, EMILY H. KAWASHIMA, ESQ., 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, DEC - 5 2024.

/s/ Jeannette H. Castagnetti
Judge of the Above-Entitled Court ^{as}



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 #12.