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**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
05-DEC-2024
10:18 AM
Dkt. 748 OGP**

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 #13

HEARING:

DATE: November 15, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

ORDER GRANTING PETITION FOR INSTRUCTIONS #13

The PETITION FOR INSTRUCTIONS #13 filed herein on September 10, 2024 (the "Petition"), came on for hearing on Friday, November 15, 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 #13 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 #13 filed herein on or about October 18, 2024, as supplemented on November 7, 2024, and pursuant to the Minute Order filed herein on November 25, 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 #13 filed herein on September 10, 2024, from THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023, as recommended by the Probate Special Master, as follows:

(A) **THEODORE PHILLIP HINAI MAHELONA**

EDWINA M. MAHELONA - ALL (100%)

(B) **DAVEY POMAIKAILANI MAHI**

KILILANI MAHI - ONE-HALF (1/2)
NICOLE MAHI - ONE-HALF (1/2)

(C) **ISABELLA MAHI MEDEIROS**

ALBERT MEDEIROS JR. - ONE-NINTH (1/9)
PATRICK MEDEIROS - ONE-NINTH (1/9)
PATRICIAL KALUA'U - ONE-NINTH (1/9)
JOANNE OLSON - ONE-NINTH (1/9)
SANDRA MOSSES - ONE-NINTH (1/9)
SUSAN NAUKA - ONE-NINTH (1/9)
DEBRA MEDEIROS - ONE-NINTH (1/9)
JOELYN COITO - ONE-NINTH (1/9)
ANUHEA SPIES - ONE-NINTH (1/9)

(D) **MICHAEL JAMES EHUKAI MEHAU**

ANNA K. PARKHURST - ALL (100%)

(E) **CLYDE PAUAHI MERCK SR.**

KEAKEALANI MARION MERCK - ALL (100%)

(F) **LUCY WAINEE MEYER**

LIONEL MEYER - ONE-THIRD (1/3)
KAREN MEYER - ONE-THIRD (1/3)
SCOTT PUBLICO - ONE-THIRD (1/3)

(G) **GLENN KAOPUA KAULUKUKUI JR.**

KATHLEEN P. KAULUKUKUI - FIRST \$100,000, plus one-half (1/2) of the amount over \$100,000
SEAN LUEAHU KAULUKUKUI KIM - ONE-SIXTH (1/6) of the amount over \$100,000
WINTER K. BAKER - ONE-SIXTH (1/6) of the amount over \$100,000
KALANI A. ROWLAND - ONE-SIXTH (1/6) of the amount over \$100,000

(H) **THOMAS LINDSEY MEYERS SR.**

KELVIN ONGORY-MATSUSHIMA - ALL (100%)

(I) **ARTHUR LANAKILA HEANU SR.**

GILBERT K. HEANU - FORTY AND ONE-HALF PERCENT (40.5%)
GLENN I. HEANU - TWENTY-FIVE AND ONE-HALF PERCENT
(25.5%)
RUSSELL W.K. HEANU - SEVENTEEN PERCENT (17%)
KYLE W.I. HEANU - SEVENTEEN PERCENT (17%)

(J) **SHARLEEN K. HEANU**

GILBERT K. HEANU - FORTY AND ONE-HALF PERCENT (40.5%)
GLENN I. HEANU - TWENTY-FIVE AND ONE-HALF PERCENT
(25.5%)
RUSSELL W.K. HEANU - SEVENTEEN PERCENT (17%)
KYLE W.I. HEANU - SEVENTEEN PERCENT (17%)

(K) **ARTHUR LANAKILA HEANU JR.**

GILBERT K. HEANU - FORTY AND ONE-HALF PERCENT (40.5%)
GLENN I. HEANU - TWENTY-FIVE AND ONE-HALF PERCENT
(25.5%)
RUSSELL W.K. HEANU - SEVENTEEN PERCENT (17%)
KYLE W.I. HEANU - SEVENTEEN PERCENT (17%)

(L) **ELMER KAKAIO**

RUSS KAKAIO - ONE-FOURTH (1/4)
SOLOMON KAKAIO - ONE-FOURTH (1/4)
JOHN KAKAIO - ONE-FOURTH (1/4)
MATTHEW KAKAIO - ONE-FOURTH (1/4)

(M) **MARY MALIA KIPILII**

CANDACE L. BRADLEY - ONE-FOURTH (1/4)
CARLA L. BELASKI - ONE-FOURTH (1/4)
KATHLEEN K. ANDERSON - ONE-FOURTH (1/4)
ROXANNE KIPILI - ONE-FOURTH (1/4)

(N) **FRANCINE KALANI KOMOMUA**

SHANNON K.K. BAKER - ONE-FOURTH (1/4)
JOSEPH N. KOMOMUA IV - ONE-FOURTH (1/4)
JOSEPH N. KOMOMUA V - ONE-FOURTH (1/4)
SHAYDEN K.K. BAKER KOMOMUA - ONE-FOURTH (1/4)

(O) **JOSEPHINE K. KONG**

NOELLA JO KONG, Personal Representative of the Estate of JOSEPHINE KANOELEHUA LIKE KONG - ALL (100%) to be administered in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate

(P) **RAYMOND NOBLE LOW**

RAYE NAKAGAWA - ONE-THIRD (1/3)
SHARI VASCONCELLOS - ONE-THIRD (1/3)
ANGEL LARKIN - ONE-THIRD (1/3)

(Q) **ELOISE A. AULD**

CHUCK KAUI AULD - ONE-FOURTH (1/4)
JOY MIKILANI KOEHLER - ONE-FOURTH (1/4)
DANNIELE NOHEALANI HIRONAKA - ONE-FOURTH (1/4)
CHELSEA KULAMANU - ONE-FOURTH (1/4)

(R) **FANNY K. AU-HOY**

KIANA K. HALEAMAU, as Personal Representative of the Estate of Fanny K. Au Hoy - ALL (100%) to be administered in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate

(S) **LOUISA KAAIHUE ARTATES**

LOURDES K GOUVEIA - ONE-HALF (1/2)
PERRY ARTATES - ONE-HALF (1/2)

(T) **CHARLES KUPIHEA WARRINGTON**

HEDWIG N. WARRINGTON, Trustee of the Charles K. Warrington and Mary G. Warrington Joint, Revocable Trust dated September 4, 2006 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(U) **DAVELYNN KAOO HARDWICK**

ELENITA K. SUAFOA - ONE-SIXTH (1/6)
ITULA K. SUAFOA JR. - ONE-SIXTH (1/6)
KEITH E. SUAFOA - ONE-SIXTH (1/6)
SELEGA K. SUAFOA YANEZ - ONE-SIXTH (1/6)

ANDREW M. SUAFOA - ONE-SIXTH (1/6)
ANO`I K. LIMA-ENGLISH - ONE-THIRTY-SIXTH (1/36)
HALIAKA LIMA-ENGLISH - ONE-THIRTY-SIXTH (1/36)
TA`UA LIMA-ENGLISH - ONE-THIRTY-SIXTH (1/36)
DAVID LIMA-ENGLISH - ONE-THIRTY-SIXTH (1/36)
DYLAN LIMA-ENGLISH - ONE-THIRTY-SIXTH (1/36)
SHAWN-ISAAC WISE - ONE-THIRTY-SIXTH (1/36)

(V) **COLEEN RUTH RIVERA**

RONALD RAYMOND RIVERA SR. - ALL (100%)

(W) **CORBETT O. ROY, SR.**

CORBETT O. ROY, JR. - ONE-FOURTH (1/4)
STEPHANIE K. ROY-HUSSEY - ONE-FOURTH (1/4)
STEPHEN KEAWE ROY aka STEPHAN JAMES KEAWE ROY - ONE-FOURTH (1/4)
MICHAEL ROY - ONE-FOURTH (1/4)

(X) **ALEXANDER AH CHUNG WONG YUEN**

TURVELYN K. WONG YUEN - ONE-FIFTH (1/5)
GREGORY A. WONG YUEN - ONE-FIFTH (1/5)
CHAUNCEY T. WONG YUEN - ONE-FIFTH (1/5)
CATHY K. WONG YUEN - ONE-FIFTH (1/5)
DEBRA FAYE BEAUDET WONG YUEN - ONE-FIFTH (1/5)

(Y) **LOUISE WAIKI PEARSON**

MILO KUUALOHA NAU - ONE-HALF (1/2)
KELLY L. MALUO-PEARSON - ONE-HALF (1/2)

(Z) **JOLYN S. KIPAPA**

GEORGE KURT K. KIPAPA - ALL (100%)

(AA) **ARCHANGEL JAMES JOSEPH**

FABIAN SETSUKO SABALLA, Trustee of the Archangel James Joseph Revocable Living Trust dated September 1, 2005 - ALL (100%) to be administered in accordance with the provisions of the Trust.

(BB) **KELBY KANANI PUNG**

DONNA PUNG - ALL (100%)

(CC) **EDWARD W. PAAHANA JR.**

NITAYA M. PAAHANA - ALL (100%)

(DD) **JESSE K. NAIHE**

BLANCHE N. NAIHE - ALL (100%)

(EE) **ODELLA PIILANI NAKANELUA**

GORDON KALEOLANI NAKANELUA, Trustee of the Odella P. Nakanelua Trust dated November 3, 1992 - ALL (100%) to be administered in accordance with the provisions of the Trust

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 \$22,212.00, plus general excise tax (4.712%) thereon in the amount of \$1,046.63, plus costs in the amount of \$4,355.39, for a grand total of **\$27,614.02** are approved, and 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 \$15,495.00, plus general excise tax (4.712%) thereon in the amount of \$654.49, plus costs in the amount of \$1,790.62, which were advanced by the Claims Administrator, for a

grand total of \$17,940.11 are approved, and the total amount of **\$16,149.49** 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  ^{al}
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 #13.