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**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
09-JUL-2024
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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 #5

HEARING:

DATE: June 7, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

PLEASE NOTE CHANGES

ORDER GRANTING PETITION FOR INSTRUCTIONS #5

The PETITION FOR INSTRUCTIONS #5 filed herein on March 1, 2024 (the "Petition"), came on for hearing on ~~Thursday~~ **Friday**, June 7, 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. cm

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 #5 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 #5 filed herein on or about May 8, 2024 and as orally amended at said 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 #5 filed herein on March 1, 2024, from THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023, as recommended by the Probate Special Master, as follows:

(A) **DAVID KAIWI**

JERILYN K. KAIWI - ALL (100%)

(B) **EVELYN ILIMA ALANI HEGENT**

IVAN K. HEGENT - ONE-HALF (1/2)
ALLAN K. HEGENT - ONE-HALF (1/2)

(C) **DAVID GORDON KAKALIA**

GORDEAN K. KAKALIA, as Successor Trustee of the David G. Kakalia and Rose g. Kakalia Revocable Living Trust dated November 1, 1993, as amended - ALL (100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(D) **MAYNON LILOA JOAQUIN**

HAAHEO JOAQUIN - ALL (100%)

(E) **SMILEY KAUALO KAIWI**

LORNA MAE K. NISHIHARA, as Personal Representative of the Estate of SMILEY KAUALO KAIWI - ALL (100%) to be distributed in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate.

(F) **JULIA LADISLA JOHNSON**

VERNON D. JOHNSON - ONE-THIRD (1/3)
HARVEY D. JOHNSON - ONE-THIRD (1/3)
VIRGIL D. JOHNSON - ONE-THIRD (1/3)

(G) **LINDA MILANI JOHNSON**

NED K. JOHNSON - ALL (100%)

(H) **MARGARET HANAKEAWE JOHNSTON**

JOYCE OLGA L. FARIAS - ONE-SEVENTH (1/7)
OLIVIA M. PERRY - ONE-SEVENTH (1/7)
OLINDA A.K. KAMAKAHI - ONE-SEVENTH (1/7)
GORDON NAKANELUA - ONE-SEVENTH (1/7)
REUBEN H. GAUDIA - ONE-SEVENTH (1/7)
FRANCINE L.K. PESTANA - ONE-SEVENTH (1/7)
RICHARD KEONI GAUDIA - ONE-THIRTY-FIFTH (1/35)
RYAN JOSEPH IKAIKA GAUDIA - ONE-THIRTY-FIFTH (1/35)
BERNICE BRANDY MARIE LEILANI FARIA-GAUDIA - ONE-THIRTY-FIFTH (1/35)

GERALD JOHN KIMO GAUDIA - ONE-THIRTY-FIFTH (1/35)
ALEXIS AURORA LOKELANI LEIALOHA KELIIKOA - ONE-THIRTY-FIFTH (1/35)

(I) **JEWEL K. KAAHANUI**

CHARLOTTE N. LOPEZ - ONE-SEVENTH (1/7)
MURPHY K. KAAHANUI - ONE-SEVENTH (1/7)
TERRY N. KAAHANUI - ONE-SEVENTH (1/7)
FRANK I. KAAHANUI, JR. - ONE-SEVENTH (1/7)
RENA K. CHU - ONE-SEVENTH (1/7)
FRANCINE M. PACTOL - ONE-SEVENTH (1/7)
CLEVE K. KAAHANUI - ONE-TWENTY-FIRST (1/21)
MISA LEE LEILANI ISHII - ONE-TWENTY-FIRST (1/21)
GEORGE MINEYOSHI ISHII - ONE-TWENTY-FIRST (1/21)

(J) **SAMUEL LAWRENCE KAAHANUI, SR.**

LAURENE KAAHANUI, Personal Representative of the Estate of SAMUEL LAWRENCE KAAHANUI, SR. - ALL (100%) to be distributed in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate.

(K) **CHARLES KULA KAMAKA**

CINDY KANANI FREITAS, Trustee of the Charles K. Kamaka, Sr. Trust dated December 18, 1995 - ALL (100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(L) **CHARLOTTE PUANANI DIAS KAMAKA**

CINDY KANANI FREITAS, Trustee of the Charlotte P. Kamaka Trust dated December 18, 1995 - ALL (100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(M) **CHARLES KAAIAI**

MINNIE Y. KAAIAI - ALL (100%)

- (N) **IRENE MOKIHANA AKIONA** (pursuant to the orally-amended recommendations of the Probate Special Master)

BERNADINE K. KALUHIWA - ONE-THIRD (1/3)
JOHN K. AKIONA - ONE-THIRD (1/3)
MARK E. AKIONA - ONE-THIRD (1/3)

- (O) **JOSLYN LEIALOHA BERNARD** (pursuant to the orally-amended recommendations of the Probate Special Master)

JOHN P. BERNARD, JR. - ALL (100%)

- (P) **JOSEPH KUAANA ANGAY**

MALIA A. ANGAY-KONANUI - ONE-FOURTH (1/4)
LORETTA L. OKAMOTO - ONE-FOURTH (1/4)
LEHUANANI A. ANGAY - ONE-FOURTH (1/4)
MOKE K. ANGAY - ONE-FOURTH (1/4)

- (Q) **JACOB ANGAY**

JACOB KALEI ANGAY - ONE-HALF (1/2)
JEANA GOMES - ONE-HALF (1/2)

- (R) **LORRAINE MAHIAI ENTERLINE**

BRYAN K. ENTERLINE - ONE-THIRD (1/3)
ROBERT CARL ENTERLINE JR. - ONE-THIRD (1/3)
KALEI K. ENTERLINE - ONE-THIRD (1/3)

- (S) **SHELDON R. ENTERLINE**

DIANE M.S. ENTERLINE - ALL (100%)

- (T) **HENRY KALEOLANI BORDEN**

FELICIDAD MALUENDA BORDEN - ALL (100%)

- (U) **LOVELL KEIKIOEWA KAOPUA SR.**

EMOGENE H. KAOPUA, as Personal Representative of the Estate of LOVELL KEIKIOEWA KAOPUA SR - ALL (100%) to be distributed in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate.

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 **\$12,076.00**, plus general excise tax (4.712%) thereon in the amount of **\$569.02**, plus costs in the amount of \$2,647.45, of which \$2,351.39 were paid from the Client Trust Account and **\$296.06** were advanced and can be reimbursed. The grand total to be paid to SCOTT C. SUZUKI, ESQ. is **\$12,941.08**, 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 **\$7,310.00**, plus general excise tax (4.712%) thereon in the amount of **\$344.45**, plus costs in the amount of **\$1,717.82**, for a grand total of **\$9,372.27** are approved, to be paid in the manner set forth in the Probate Plan;

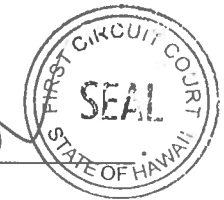
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H. There being no just reason for delay, judgment shall be entered herein pursuant to Rule 34(a) of the Hawaii Probate Rules and in the manner provided by Rule 54(b) of the Hawaii Rules of Civil Procedure. .

~~{REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURES TO FOLLOW ON NEXT PAGE}~~

DATED: Honolulu, Hawaii,



JEANNETTE H. CASTAGNETTI

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



This document has been reformatted so that the Court's signature appears on a page with substantive text. .

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 #5.