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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 #8

HEARING:

DATE: August 23, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

ORDER GRANTING PETITION FOR INSTRUCTIONS #8

The PETITION FOR INSTRUCTIONS #8 filed herein on April 30, 2024 (the "Petition"), came on for hearing on Friday, August 23, 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 #8 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 #8 filed herein on or about July 23, 2024, and as supplemented by the Probate Special Master's First Supplement to Report Re: PETITION FOR INSTRUCTIONS #8 Filed on April 30, 2024, filed on August 14, 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 #8 filed herein on April 30, 2024, from THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023, as recommended by the Probate Special Master, as follows:

(A) **HARRY HAI CHO KANEKOA**

CLAUDIA M. SUGAI, Trustee of the Harry H.C. Kanekoa Trust dated May 27, 1993 - ALL (100%) to be distributed by

said Trustee in accordance with the provisions of the Trust.

(B) **ALOHA M. RUDDLE**

LEILANI NISHIYAMA - ONE-SIXTH (1/6)
REGINALD G. RUDDLE - ONE-SIXTH (1/6)
ELEANOR A. KUNITAKE - ONE-SIXTH (1/6)
ROBERTA L. JAQUES - ONE-SIXTH (1/6)
CELINA ULULANI LARSON - ONE-SIXTH (1/6)
SPENCER RUDDLE - ONE-SIXTH (1/6)

(C) **NORMAN DUKE KAPUNIAI**

MARION KANANI ANDERSON KAPUNIAI - ALL (100%)

(D) **KEITH KULA KAUWE SR.**

WINONA L. KAUWE, Trustee of the Keith K. Kauwe Revocable Trust dated August 19, 2000, as amended - ALL (100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(E) **WILFRED ANTONE LOPES SR.**

CAROL L. LOPES, Trustee of the Lopes Family Trust dated December 24, 1993 - ALL (100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(F) **HERMAN LORENZO**

DONNA M. LORENZO, Personal Representative of the Estate of HERMAN LORENZO, Deceased - ALL (100%) to be distributed in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate.

(G) **ANNIE STEVENS MITCHELL**

RONALD S. MITCHELL - ONE-HALF (1/2)
BEVERLY J. JORDON - ONE-HALF (1/2)

(H) **MARY RUTH TEIXEIRA NG**

DARRYL F. NG, Trustee of the Mary T. Ng 2018 Trust dated September 28, 2018, as amended - ALL (100%) to be

distributed by said Trustee in accordance with the provisions of the Trust.

(I) **ALICE LEILANI NICOLA**

ANGELINE L. ISHIHARA - ONE-FOURTH (1/4)
ALICE M. FREITAS - ONE-FOURTH (1/4)
CHAUNCEY C. NICOLA III - ONE-FOURTH (1/4)
CLARENCE K. NICOLA - ONE-FOURTH (1/4)

(J) **JAMES K. PUNI**

MARY ANN PUNI - ALL (100%)

(K) **CHARLES DAVIS ROY**

JEFFERY D. ROY - ALL (100%)

(L) **VIOLET FILOMENO SANTOS**

HERVINA L. SANTOS, Trustee of the Herbert F. Santos, Sr. and Violet F. Santos Revocable Living Trust Agreement dated January 13, 1998 - ALL (100%) to be distributed by said Trustee in accordance with the provisions of the Trust.

(M) **MERRIWELL KELII TAU'A**

CHELSEA ANN TAU'A - ALL (100%)

(N) **WILHELM LEIOHU WAGNER SR.**

GLORIA LEILANI WAGNER - ALL (100%)

(O) **CHARLES KAWAHI WAHINEHOOKAE**

CHARLES WAHINEHOOKAE JR. - ONE FOURTH (1/4)
ANNA WAHINEHOOKAE - ONE FOURTH (1/4)
NANCY WAHINEHOOKAE - ONE FOURTH (1/4)
JOANN ISAACS - ONE FOURTH (1/4)

(P) **HELEN K. AVEIRO**

DOUGLAS H. AVEIRO SR. - ONE-FOURTH (1/4)
ANTOINETTE L. LIANA - ONE-FOURTH (1/4)
SHANNON AVEIRO - ONE-TWELFTH (1/12)

SHANNETTE KALANIOPIO - ONE-TWELFTH (1/12)
SHAYNEE AVEIRO - ONE-TWELFTH (1/12)
HELEN ROSEHILL - ONE-EIGHTH (1/8)
KANANI ROSEHILL - ONE-EIGHTH (1/8)

(Q) **GAIL HAUNANI KEOMAKA**

SAMUEL K. KEOMAKA - ALL (100%)

(R) **MARY ANN KEAHI KEOMAKA**

SAMUEL K. KEOMAKA - ALL (100%)

(S) **JOSEPHINE MILILANI KON**

SONYA M. WISE - ONE-EIGHTH (1/8)
EDWINA H. KAMALII - ONE-EIGHTH (1/8)
WILLIAM C. KON - ONE-EIGHTH (1/8)
JOYCELINN K. AH MAU - ONE-EIGHTH (1/8)
WENDY K. KON - ONE-EIGHTH (1/8)
MECHELL P. KON MAUGALEI - ONE-EIGHTH (1/8)
RAYNETTE L. KALANI - ONE-EIGHTH (1/8)
GINGER M. CARTWRIGHT - ONE-EIGHTH (1/8)

(T) **MARK K. ADAMS**

JONI A. ADAMS - 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 \$11,742.50, plus general excise tax (4.712%) thereon in the amount of \$553.31, plus costs in the amount of \$2,432.36, of which \$182.36 were paid from the Client Trust Account

and \$2,250.00 were advanced and can be reimbursed. The grand total to be paid to SCOTT C. SUZUKI, ESQ. is **\$14,545.81** 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 \$8,820.00, plus general excise tax (4.712%) thereon in the amount of \$415.60, plus costs in the amount of \$1,967.73, for a grand total of **\$11,203.33** 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, OCT 08 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 #8.