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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 #9

HEARING:

DATE: September 13, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.  
Castagnetti

PLEASE NOTE CHANGES

ORDER GRANTING PETITION FOR INSTRUCTIONS #9

The PETITION FOR INSTRUCTIONS #9 filed herein on May 24, 2024 (the "Petition"), came on for hearing on Friday, September 13, 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 #9 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 #9 filed herein on or about August 13, 2024, and as supplemented by the Probate Special Master's First Supplement to Report Re: PETITION FOR INSTRUCTIONS #9 Filed on May 24, 2024, filed on August 27, 2024, and the Probate Special Master's Second Supplement to Report Re: PETITION FOR INSTRUCTIONS #9 Filed on May 24, 2024, filed on September 17, 2024, as well as any amendments made during the hearing, and the Minute Orders filed by this Honorable Court on September 13, 2024 and September 23, 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 #9 filed herein on May 24, 2024, from THE KALIMA CLASS ACTION SETTLEMENT

TRUST DATED JUNE 23, 2023, as recommended by the Probate Special Master, as follows:

(A) **PALANI VAUGHAN, JR.**

ALLISON KA`ILIHIWA VAUGHAN, Personal Representative of the Estate of Palani Vaughan, Jr. - ALL (100%) to be administered in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate.

(B) **BERNADETTE MALIA OLIVERA**

HERBERT EDDIE OLIVERA - ALL (100%)

(C) **JOSEPHINE KOU DELAURA-CROW**

JOSEPHINE KOU DELAURA-ROGERS, Trustee of the Delaura Family Trust - ALL (100%) to be distributed in accordance with the provisions of the Trust

(D) **MIU LAN AUKAI OKU**

JOHN KAIPO OKU - ONE-HALF (1/2)  
PATRICK OKU - ONE-HALF (1/2)

(E) **WILLIAM K. DANA**

YOLANDA ELENA LOBATO DANA - \$100,000, plus ONE-HALF (1/2) of the balance  
KANOELANI DANA - ONE-FOURTH (1/4) of the balance  
KANANI DANA - ONE-FOURTH (1/4) of the balance

(F) **VIRGINIA KANANI KAM**

CORINNE K.S.L. POKIPALA, Trustee of the Joseph K.H. Kam, Sr. Revocable Living Trust dated August 27, 2001 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(G) **WILLIAM MANUEL MAHI**

LAVERNE MATANANE and CECELIA SASAKI, Trustees under the Revocable Trust Agreement of William M. Mahi and Cecilia S. Mahi dated June 16, 1992 - ALL (100%) to be

distributed in accordance with the provisions of the Trust

(H) **ELIZABETH HAMMACK**

BRIDGET HAMMACK and MALINDA MAHI, Trustees of the Ronald Dale Hammack and Elizabeth Hammack Living Trust dated April 27, 1993 - ALL (100%) to be distributed in accordance with the provisions of the Trust.

(I) **BERNICE MARY EMMSLEY**

LAVERENE L. MATANANE and CECELIA J. SASAKI, Trustees of the Revocable Trust of Bernice M. Emmsley dated December 6, 1996 - ALL (100%) to be distributed in accordance with the provisions of the Trust

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(J) **CLYDE J. EMMSLEY**

JAMES K. EMMSLEY - ONE-THIRD (1/3)  
LAURIE ANN H. EMMSLEY - ONE-THIRD (1/3)  
LIANE U. EMMSLEY - ONE-THIRD (1/3)

(K) **ELEANOR K. MIHAL**

ALNA L. MECHAM - ALL (100%)

(L) **ANGELINE KEALOHAPILI GARCES**

ZELDA-MAY K. KALILIKANE - ONE-THIRD (1/3)  
PETRONILO M. GARCES - ONE-THIRD (1/3)  
DAMIEN K. GARCES, SR. - ONE-THIRD (1/3)

(M) **HERBERT SUN MUNG KALENA HEW LEN**

BEATRICE J.C. HEW LEN, Trustee of the Herbert and Beatrice Hew Len Trust dated July 16, 1992 - ALL (100%) to be distributed in accordance with the provisions of the Trust

(N) **HOSEA APELE KALUAU**

ROBERTA P. KALUAU, Personal Representative of the Estate of Hosea Apele Kaluau, also known as Hosea Apela - ALL (100%) to be distributed in accordance with the applicable provisions of the Hawaii Uniform Probate Code, Chapter 560, with regard to said estate

(O) **HANNAH LOUISA ANTONIO**

NAOMI ARAKI - ONE-FIFTH (1/5)  
NOELANI ALMEIDA - ONE-FIFTH (1/5)  
CECILIA VISTA - ONE-FIFTH (1/5)  
HANNAH CARVALHO-ANTONIO - ONE-FIFTH (1/5)  
KENJI ENOMOTO - ONE-FIFTH (1/5)

(P) **DANIEL DUKE NICHOLAS**

FLORENCE P. NICHOLAS - ALL (100%)

(Q) **JOHN LANAKILA SPENCER**

LOUELLA NOELANI SPENCER SCHUTTE - ONE-FIFTH (1/5)  
LORETTA LORRAINE SPENCER, as Trustee of the Loretta L. Spencer Trust, an unrecorded trust dated August 11, 1993, as amended - ONE-FIFTH (1/5) to be administered in accordance with the provisions of the Trust  
CYNTHIA M. SPENCER - ONE-FIFTH (1/5)  
ANUHEA KAMAILE LEWIS - ONE-FIFTEENTH (1/15)  
CULLEN KEPOIKAI SPENCER - ONE-FIFTEENTH (1/15)  
KAU'I NOELANI BURGESS - ONE-FIFTEENTH (1/15)  
STERLENE MOKIHANA SPENCER PALMERTON - ONE-TENTH (1/10)  
PEARL TAUFANUA SPENCER - ONE-TENTH (1/10)

(R) **NOBLE LANAKILA SPENCER**

LORETTA LORRAINE SPENCER, as Trustee of the Loretta L. Spencer Trust, an unrecorded trust dated August 11, 1993, as amended - ALL (100%) to be administered in accordance with the provisions of the Trust

(S) **FRANCES M.K.B. CAMP**

ADAM MANALO-CAMP - ALL (100%)

(T) **MAY SCHUTTE FERNANDEZ**

WILLIAM S. FERNANDEZ JR. - ONE-HALF (1/2)  
CLAUDE P.K. FERNANDEZ - ONE-HALF (1/2)

(U) **VIOLA KAUHIWAI KAUWE**

JAMES LLOYD KAUWE - ONE-FOURTH (1/4)  
KENNETH D. KAUWE - ONE-FOURTH (1/4)

DONALD P.K. KAUWE - ONE-FOURTH (1/4)  
YVONNE L.K. MAMARIL - ONE-FOURTH (1/4)

(V) **ELSIE ULULANI VALENTE**

DENIS VALENTE, JR. - ONE-HALF (1/2)  
MELONEY MILLI KAI - ONE-HALF (1/2) *cm*

(W) **MYRTLE KUULEIALOHA PUNG**

CARMELA BOTEILHO, Successor Trustee of the Joseph Pung 2011 Trust, dated July 12, 2011 - ALL (100%) to be administered in accordance with the provisions of the Trust

(X) **ELEANOR BELL**

SANDRAANN L. PECKENPAUGH - ALL (100%)

(Y) **MONA LEIALOHA ESTEVEZ**

IGNACIO MACARIO ESTEVEZ - ALL (100%)

(Z) **ROSE PUAPIKAKE KARRATTI CHANG**

DALLAS H. CHANG - ONE-FOURTH (1/4)  
DAVID H. CHANG - ONE-FOURTH (1/4)  
DOUGLAS H. CHANG, JR. - ONE-FOURTH (1/4)  
DWIGHT H. CHANG - ONE-FOURTH (1/4)

(AA) **LURLINE HINANO LEE**

MAMO M. TABANGCURA - ONE-THIRD (1/3)  
KALANI LEE - ONE-THIRD (1/3)  
MAHALO POCOCK - ONE-THIRD (1/3)

(BB) **HANNAH HEANU PURDY LEKELESA**

CELESTE K. KUMALAE - ONE-HALF (1/2)  
LUANA L. OGI - ONE-HALF (1/2)

(CC) **JIMMY FRANCIS MANNER**

JENNIFER LYNN HOKULANI MANNER - ONE-EIGHTH (1/8)  
DAWN K. MANNER - ONE-EIGHTH (1/8)  
SHAD MANNER - ONE-EIGHTH (1/8)  
CAROLINE MANNER - ONE-EIGHTH (1/8)

ARLENE MANNER - ONE-EIGHTH (1/8)  
SERENA MANNER - ONE-EIGHTH (1/8)  
LAURA MANNER - ONE-EIGHTH (1/8)  
HILLARY MANNER - ONE-EIGHTH (1/8)

(DD) **MARY KUNAWA SUE SIN PUA MURRAY**

PHILLIP C. MURRAY - 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 \$15,989.83, plus general excise tax (4.712%) thereon in the amount of \$753.44, plus costs in the amount of \$2,903.31, of which \$1,149.74 were paid from the Client Trust Account and \$1,753.57 were advanced and can be reimbursed. The grand total to be paid to SCOTT C. SUZUKI, ESQ. is **\$18,496.84** 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 \$10,475.00, plus general excise tax (4.712%) thereon in the amount of \$493.58, plus costs in the amount of \$1,494.45, for a grand total of **\$12,463.03** 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<sup>on</sup>



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 #9.