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ATTORNEYS FOR STATE DEFENDANTS

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI'I

LEONA KALIMA, DIANE BONER,
RAYNETTE NALANI AH CHONG,
special administrator of the estate of JOSEPH
CHING, deceased, CAROLINE BRIGHT,
DONNA KUEHU, and JAMES
AKIONA, et al.,

Plaintiffs,

vs.

STATE OF HAWAI'I, STATE OF
HAWAI'I DEPARTMENT OF HAWAIIAN
HOME LANDS; et al.,

Defendants.

CIVIL NO. 99-4771-12 LWC

(Class Action)

STIPULATION TO AMEND TIMETABLE
FOR MAILED NOTICE #3 CONTAINED
IN *STIPULATION TO AMEND TIMETABLE
OF EVENTS CONTAINED IN EXHIBIT 9
TO DECEMBER 5, 2022, ORDER
ADOPTING FINDINGS AND
RECOMMENDATIONS OF THE SPECIAL
MASTER TO AMEND THE SCHEDULE
FOR FINAL APPROVAL
HEARING [FILED NOVEMBER 22,
2022][DKT. 1568] AND ORDER [DKT.
1606]; EXHIBITS 1 & 2*

POST-TRIAL PROCEEDINGS JUDGE:
HON. LISA W. CATALDO

SETTLEMENT JUDGE:
HON. GARY W.B. CHANG

STIPULATION TO AMEND TIMETABLE FOR MAILED NOTICE #3 CONTAINED IN

STIPULATION TO AMEND TIMETABLE OF EVENTS CONTAINED IN EXHIBIT 9 TO DECEMBER 5, 2022, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS OF THE SPECIAL MASTER TO AMEND THE SCHEDULE FOR FINAL APPROVAL HEARING [FILED NOVEMBER 22, 2022][DKT. 1568] AND ORDER [DKT. 1606]

Pursuant to Cir. Ct. R. 19, Plaintiffs, through their Counsel, Carl M. Varady and Thomas R. Grande, and Defendants, through their Counsel, Attorney General Anne E. Lopez, Deputy Attorney General Craig Y. Iha, and Special Deputy Attorneys General Linda Lee K. Farm and Donna H. Kalama, hereby stipulate:

WHEREAS, the parties have entered into a settlement intended to achieve a full and final resolution on a class-wide basis of all claims that have been asserted and could have been asserted in this matter (the “Settlement”) and have executed a Settlement Agreement to effectuate those terms (the “Agreement”);

WHEREAS on January 23, 2023, the Court entered its *Stipulation to Amend Timetable of Events Contained In Exhibit 9 To December 5, 2022, Order Adopting Findings and Recommendations of the Special Master to Amend the Schedule for Final Approval Hearing [Filed November 22, 2022][Dkt. 1568]and Order [Dkt. 1606]* (the “Order Amending Schedule”);

WHEREAS, the Order Amending Schedule set June 6, 2023, as the date for mailing Notice #3 to Class Members (Exhibit 1 hereto);

WHEREAS, the Claims Administrator has characterized the data integration process as one of the “most complex” it has ever had to complete;

WHEREAS, the time required to obtain complete and accurate data regarding Class Members’ lease application and award dates has been extensive, is complex, and the time necessary to complete the review of the more than 4,000 claims presented in this case has been substantial;

WHEREAS, since the Second Notices were mailed out on January 31, 2023, the data review and correction has been an ongoing process;

WHEREAS, issues have arisen regarding the Hawaiian Home Lands age requirements in effect from 1985 to 1986;

WHEREAS, on July 1, 1985, Hawai'i Act 60 became law, and lowered the legal age to apply for and receive a homestead lease to 18;

WHEREAS, on July 1, 1985, DHHL's regulations still required that applicants be 21 years-old;

WHEREAS, DHHL's conflicting minimum age regulation continued in effect until it was amended by DHHL effective January 20, 1986, and lowered the age of application and leasing to 18;

WHEREAS, ongoing data review and the claim correction process have led to the discovery that the Department of Hawaiian Home Lands ("DHHL") permitted beneficiaries 18 years of age to apply for homesteads after Act 60 became law July 1, 1985, even though DHHL regulations continued to mandate applicants and lessees be 21 years of age until January 20, 1986;

WHEREAS, to respond to this incongruity in age qualifications, the Claims Administrator will adjust the current claim calculations for the estimated 50 to 100 Class Members who, having reached the age of 18 on or after July 1, 1985, were permitted to apply for homesteads, but were barred from doing so by DHHL regulations, by starting their claim period on their application date, rather than January 20, 1986, when DHHL's regulation changed;

WHEREAS, the date for mailing Notice #3 set by the Order Amending Schedule currently is June 6, 2023;

WHEREAS, a short extension of the Notice #3 mailing deadline will be necessary to review and adjust Class Members' claims for those permitted to apply on or after July 1, 1985, but before DHHL's January 20, 1986, rule amendment, and conduct a final review of the entire calculations after these age-related adjustments have been made;

WHEREAS, the Claims Administrator has confirmed that extensions of time for calculation review until June 6, 2023, and mailing of the Notice #3 from June 6, 2023, until and including July 13, 2023, will permit incorporation of all known corrections prior to mailing;

WHEREAS, none of the other deadlines currently set for filing memoranda, objections, responses, or the Final Approval Hearing will be affected by this proposed extension; and

WHEREAS, the parties agree that good cause exists to extend the dates for calculation review and mailing Notice #3 to incorporate the changes to the Order Amending Schedule described in Exhibit 2, hereto;

NOW THEREFORE, the parties agree that the date of the Notice #3 set forth in the Order Amending Schedule will be extended until and including June 13, 2023, and all other following deadlines will remain unchanged as set forth in Exhibit 2, hereto:

[SIGNATURES ON FOLLOWING PAGE]

DATED: Honolulu, Hawai‘i, May 30, 2023.

/s/ Craig Y. Iha

ANNE E. LOPEZ

Attorney General

CRAIG Y. IHA

Deputy Attorney General and

LINDA LEE K. FARM

DONNA H. KALAMA

Special Deputy Attorneys General

ATTORNEYS FOR DEFENDANTS

/s/ Carl M. Varady

CARL M. VARADY

THOMAS R. GRANDE

CLASS COUNSEL

APPROVED AND SO ORDERED:

/s/ Lisa W. Cataldo



JUDGE OF THE ABOVE-ENTITLED COURT

Kalima et al., v. State of Hawai‘i et al., Civil No. 99-4771-12 LWC, STIPULATION TO AMEND TIMETABLE FOR MAILED NOTICE #3 CONTAINED IN STIPULATION TO AMEND TIMETABLE OF EVENTS CONTAINED IN EXHIBIT 9 TO DECEMBER 5, 2022, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS OF THE SPECIAL MASTER TO AMEND THE SCHEDULE FOR FINAL APPROVAL HEARING [FILED NOVEMBER 22, 2022][DKT. 1568] AND ORDER [DKT. 1606]; EXHIBITS 1 & 2

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ATTORNEYS FOR STATE DEFENDANTS

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI'I

LEONA KALIMA, DIANE BONER,
RAYNETTE NALANI AH CHONG,
special administrator of the estate of JOSEPH
CHING, deceased, CAROLINE BRIGHT,
DONNA KUEHU, and JAMES
AKIONA, et al.,

Plaintiffs,

vs.

STATE OF HAWAI'I, STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME
LANDS; et al.,

Defendants.

CIVIL NO. 99-4771-12 LWC

(Class Action)

**STIPULATION TO AMEND TIMETABLE
OF EVENTS CONTAINED IN EXHIBIT 9
TO DECEMBER 5, 2022, ORDER**

ADOPTING FINDINGS AND

RECOMMENDATIONS OF THE

SPECIAL MASTER TO AMEND THE

SCHEDULE FOR FINAL APPROVAL

HEARING [FILED NOVEMBER 22,

2022][DKT. 1568] AND ORDER;

EXHIBITS 1 & 2

POST-TRIAL PROCEEDINGS JUDGE:

HON. LISA W. CATALDO

SETTLEMENT JUDGE: HON. GARY W.B.

CHANG

**STIPULATION TO AMEND TIMETABLE OF EVENTS CONTAINED IN EXHIBIT 9 TO
DECEMBER 5, 2022, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS OF
THE SPECIAL MASTER TO AMEND THE SCHEDULE FOR FINAL APPROVAL
HEARING [FILED NOVEMBER 22, 2022][DKT. 1568] AND ORDER**

Pursuant to Cir. Ct. R. 19, Plaintiffs, through their Counsel, Carl M. Varady and Thomas R. Grande, and Defendants, through their Counsel, Attorney General Anne E. Lopez, Deputy Attorney General Craig Y. Iha, and Special Deputy Attorneys General Linda Lee K. Farm and Donna H. Kalama, hereby stipulate:

WHEREAS, the parties have entered into a settlement intended to achieve a full and final resolution on a class-wide basis of all claims that have been asserted and could have been asserted in this matter (the “Settlement”) and have executed a Settlement Agreement to effectuate those terms (the “Agreement”);

WHEREAS, on December 5, 2022, the Court entered its *Order Adopting Findings And Recommendations Of The Special Master To Amend The Schedule For Final Approval Hearing [Filed November 22, 2022]*(the “Scheduling Order”)[Dkt. 1568];

WHEREAS, the Scheduling Order includes a timetable for mailed notice to the Plaintiff Class (Exhibit 1)(the “Current Timetable”);

WHEREAS, the time required to obtain complete and accurate data regarding class members’ lease application and award dates has been extended, is complex, and the time necessary to complete the review of the more than 4,000 claims presented in this case has been substantial;

WHEREAS, on November 30, 2022, the principal file review for Class Members was completed, and data transmitted to the Claims Administrator for integration into its existing

Class Member database;

WHEREAS, the Claims Administrator has characterized the data integration process as one of the “most complex” it has ever had to complete;

WHEREAS, other than for the Class Members who settled or opted out, the data integration process for claims is not yet complete due to the complexity of the data;

WHEREAS, on January 13 and again on January 19, 2023, the Claims Administrator disclosed it is unable to complete the data integration process for the Class Members who have not settled or opted out;

WHEREAS, the Current Timetable approved in the Court’s December 5, 2022, Scheduling Order [Filed November 22, 2022][Dkt. 1568] required the Second Notice to be mailed the week of January 16, 2023;

WHEREAS, the Claims Administrator has represented that it has completed the mailing of the Second Notice to the Class Members who have settled or opted out during the week of January 16, 2023;

WHEREAS, the Claims Administrator cannot complete the mailing of the Second Notice to the Class Members who have not settled or opted out under the Current Timetable set in the Scheduling Order;

WHEREAS, the Claims Administrator requested a two-week delay from the week of January 16, 2023, to January 31, 2023, to mail the Second Notice to the Class Members who have not settled or opted out;

WHEREAS, to preserve the 60-day review and opt out period for Class Members to receive, review and correct their claim data, or opt out, after the Second Notice is mailed, the Claims Administrator has been directed by the Special Master to extend the period for such

review, correction, and opting out from March 17, until and including April 3, 2023, and to accept corrections and opt outs post-marked up to and including April 3, 2023;

WHEREAS, the Claims Administrator has confirmed the proposed extension will not affect the currently-scheduled mailing of the Third Notice the week of June 6, 2023, or the date for the Final Approval Hearing, July 21, 2023;

WHEREAS, the publication and mailed notices contained in Exhibits 2-5 approved by the Court in its *Order Adopting First Amended Findings and Recommendations of the Special Master to Approve Proposed Settlement Distribution Plan and Revised Class Notices (Filed December 22, 2022); Revised Exhibits 1-6 [Dkt. 1580][Filed January 5, 2023][Dkt. 1589]*, will be revised to include the new April 3, 2023, deadline to correct data or opt out of the lawsuit, but otherwise remain unchanged;

WHEREAS, this stipulation was submitted to the Special Master for review, comment, and recommendation for approval prior to its submission to the Court, as evidenced by his signature below;

NOW THEREFORE, the parties agree that the Current Timetable will be modified as follows as set forth in Exhibit 2 hereto:

[SIGNATURES ON FOLLOWING PAGE]

DATED: Honolulu, Hawai‘i, January 23, 2023.

/s/ Craig Y. Iha

ANNE E. LOPEZ
Attorney General
CRAIG Y. IHA
Deputy Attorney General and
LINDA LEE K. FARM
DONNA H. KALAMA
Special Deputy Attorneys General
ATTORNEYS FOR DEFENDANTS

/s/ Carl M. Varady

CARL M. VARADY
THOMAS R. GRANDE

CLASS COUNSEL

REVIEWED AND RECOMMENDED:

/s/ Michael F. Broderick

SPECIAL MASTER

APPROVED AND SO ORDERED:

/s/ Lisa W. Cataldo



JUDGE OF THE ABOVE-ENTITLED COURT

***Kalima et al., v. State of Hawai‘i et al.*, Civil No. 99-4771-12 LWC, STIPULATION TO AMEND TIMETABLE OF EVENTS CONTAINED IN EXHIBIT 9 TO DECEMBER 5, 2022, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS OF THE SPECIAL MASTER TO AMEND THE SCHEDULE FOR FINAL APPROVAL HEARING [FILED NOVEMBER 22, 2022][DKT. 1568] AND ORDER; EXHIBITS 1 & 2**

PROPOSED REVISED CLAIMS ADMINISTRATION SCHEDULE

Tuesday, November 22, 2022

DATE	ACTIVITY
Monday, November 28, 2022	Class Counsel Complete File Review – All Data Integration Excel Files submitted to Epiq
Monday, November 28, 2022	Class Notices to Epiq and Special Master
Wednesday, November 30, 2022	Class Notice to Defendants
Wednesday, December 7, 2022	Submission to Court of distribution plan methods for review and approval and Notices to Court
Thursday, December 15, 2022	Confirmation of application dates; confirmation of lease award dates
Thursday, December 15, 2022	Approval of notices and distribution plan by Court
Monday, January 16, 2023	Mailed Notice #2 to inform class members of application, award, and related dates for claims; 45 days to correct, and opt out process
Friday, March 17, 2023	Deadline to Submit Corrections to Application Dates & Opt Out
Friday, April 7, 2023	3 weeks for Epiq to receive mail sent on deadline AND FOR COUNSEL TO REVIEW AND CORRECT
Friday, April 21, 2023	Deadline for Epiq to compile data
Friday, May 5, 2023	Deadline for Epiq to make final updates and perform initial calculations
Friday, May 19, 2023	Calculation Review
Tuesday, June 6, 2023	Mailed Notice #3
Monday, June 12, 2023	Motion for final approval
Monday, June 26, 2023	Def memorandum re: FA
Thursday, July 6, 2023	Pltf's Reply
Thursday, July 6, 2023	Deadline to Object
Friday, July 14, 2023	Parties' response to objections
Friday, July 21, 2023	Final Approval Hearing

Exhibit 9 to Findings and Recommendations

EXHIBIT 1 TO STIPULATION TO AMEND TIMETABLE FOR MAILED NOTICE #3

Action	Original Date	New Date
Second Mailed Notice to inform class members of their: application, award, and related dates for settlement payment calculations; prior settlements; prior opt outs	January 16, 2023	January 31, 2023
Deadline for Class Members to correct data or opt out of lawsuit	March 17, 2023	April 3, 2023

PROPOSED REVISED CLAIMS ADMINISTRATION SCHEDULE

ACTIVITY	PRIOR DATE	NEW DATE
Calculation Review	May 19, 2023	JUNE 6, 2023
Mailed Notice #3	June 6, 2023	JUNE 13, 2023
Plaintiffs' Motion for Final Approval	June 12, 2023	NO CHANGE
Defendants' Memorandum re Fees	June 26, 2023	NO CHANGE
Plaintiffs' Reply re Fees	July 6, 2023	NO CHANGE
Deadline for Class Members to Object	July 6, 2023	NO CHANGE
Parties' responses to objections	July 14, 2023	NO CHANGE
Final Approval Hearing	July 21, 2023	NO CHANGE