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PROBATE SPECIAL MASTER

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)

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR
INSTRUCTIONS #1, FILED ON
JANUARY 2, 2024; EXHIBITS "1" –
"2"; CERTIFICATE OF SERVICE**

Hearing:

Date: March 15, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #1**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate
Special Master to examine the Petition for Instructions #1, filed January 2, 2024 (the
"Petition"), and respectfully submits this Report.

I. INTRODUCTION

This Master was appointed by *Joint Order Adopting Settlement Special Master's
Findings and Recommendations and Appointing Probate Special Master* (the "Appointment

Order”) [Dkt. 1617], filed on March 3, 2023, in *Kalima v. Hawaii*, Civ. No. 99-4771-12 LWC (“Kalima”), for the purposes set forth in the Appointment Order, as well as by the *Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings*, filed on December 29, 2023 [Dkt.12] (“Omnibus Order”), entered herein to examine and report on the Petitions for Instructions filed in this proceeding. The Omnibus Order requests that your Master: (1) examine and report findings and recommendations to the Court on all Petitions and on any other relevant matters in this Trust proceeding as deemed appropriate by the Master or the Court; (2) provide periodic status reports to the Court; and (3) address any outstanding issues contained in the Petitions or other pleadings filed in this proceeding.

This Report is filed pursuant to Rules 28 and 29 of the Hawaii Probate Rules.

Those appearing in these proceedings are Probate Special Counsel Scott C. Suzuki, Esq. and those proposed beneficiaries of the Trust Petitioners as noted below.

Your Master has examined the pleadings and their respective exhibits, in addition to other documents, most of which are listed below. Your Master has corresponded with some individuals and provides the following findings and recommendations.

II. DOCUMENTS EXAMINED AND OTHER RESEARCH

Your Master examined, among other things, the following pleadings and documents:

- Petition for Instructions #1, filed January 2, 2024, with Exhibits
- Redacted Petition for Instructions #1, filed February 23, 2024.
- Notice of Hearing published in the Star Advertiser on February 5, 2024, February 12, 2024 and February 19, 2024.
- Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings, filed on December 29, 2023

- Kalima Qualified Settlement Trust, attached to the Omnibus Order (“QST”)
- Probate Plan, attached to the Omnibus Order
- Facilitator database, Epic Claims Administrator
- Exhibits and objections submitted to the Claims Administrator

A. Interviews

- Your Master corresponded with a few individuals related to each Deceased Class Member as more fully outlined below.

B. Efforts to Locate Wills

Several of the deceased Class Members died intestate. In a typical probate proceeding seeking adjudication of intestacy, the Court will inquire about the efforts made to locate a Will. As this not a typical probate proceeding, the Claims Administrator Representative, Robert Coomes, filed a declaration on December 21, 2023, that details all of the efforts they have made to give notice to Class Members and the deceased Class Members’ families. [Dkt. 3] They were asked to provide all relevant estate planning information and documents to the Claims Administrator. The same information is posted on the Kalima Lawsuit website that is available to the public. There is a toll-free phone number to contact the Claims Administrator. Given the number of notices and efforts made by the Claims Administrator, your Master believes that deceased Class Members’ families have had ample notice to provide a Will or Trust for their decedent, if one exists.

Furthermore, the family will receive a copy of this Petition and if the decedent is noted to be intestate, but there actually is a Will, your Master expects the family to contact the Claims Administrator, your Master, Probate Special Counsel or to appear at the Court hearing.

III. BACKGROUND

As the Court is aware, the purpose of these Petitions for Instructions is to provide an efficient and cost-effective, yet accurate procedure to identify the proper heirs and devisees of those Kalima Class Members who are no longer living. Probate Special Counsel has researched each Deceased Class Member's family background based on self-reporting, database information, court records and oral history. Probate Special Counsel has also provided notice of the Probate Plan, Qualified Settlement Trust and notice of this hearing by U.S. Postal mail, publication of notice in the Honolulu Star-Advertiser and links to the documents on the Info-Kalima.com website.

Probate Special Counsel published Notice of the hearing on this Petition #1 in the Honolulu Star-Advertiser on February 5, 2024, February 12, 2024 and February 19, 2024. Your Master is satisfied that all interested parties were provided adequate notice of this hearing and that jurisdiction and venue are proper pursuant to HRS §554D-201-203.

IV. DECEASED CLASS MEMBERS

Your Master has reviewed the circumstances for each named Deceased Class member and provides the following findings and recommendations:

A. CHARLES KAUHIAIMOKUAKAMA AHLO

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as divorced.

Your Master reviewed the data regarding the decedent's descendants and spoke to the family representative, Nicole Kay, who is the decedent's granddaughter. Ms. Kay informed your Master that there was a document she believes should govern as a testamentary instrument.

Attached as Exhibit "1," is the document that was provided to the Claims Administrator on or

about February 15, 2024. Ms. Kay stated that this document was drafted by the decedent and reflects his wishes regarding distribution of the settlement funds. In the document there is a section that notes:

Vickie 65%
Brian 25%
Eldred 10%

Your Master has reviewed the handwritten document which indeed references the *Kalima* lawsuit and settlement. Hawaii Revised Statutes (“HRS”) §560:2-502(b) provides for holographic wills, whether or not witnessed, if the signature and material portions of the document are in the testator's handwriting. While the document appears to be in the decedent’s handwriting, it is not actually signed by the decedent. The reference to the percentages does not adequately provide distribution guidelines. Therefore, your Master does not find that the writing constitutes a valid holographic Will.

The decedent’s children are **VICKI E. ULSH and ELDRED AHLO**. Your Master spoke with Vicki E. Ulsh by telephone on or about February 27, 2024, and she confirmed that Brian was the decedent’s grandnephew and is not another intestate heir. There are no other intestate heirs that your Master is aware of. There are no prior or current probate proceedings for this decedent.

On the basis of the foregoing, your Master finds and concludes that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed in equal proportions to his intestate heirs, **VICKI E. ULSH and ELDRED AHLO**.

B. EDWARD KEHOA AHUNA, JR.

Your Master and Probate Special Counsel were informed by the Claims Administrator after Petition #1 was filed, that this decedent opted out of the Class Action and his name was inadvertently included as a Deceased Class Member.

Your Master therefor respectfully requests that **EDWARD KEHOA AHUNA, JR.**, be stricken from Petition #1.

C. DANDELIN AI

Your Master and Probate Special Counsel were informed by the Claims Administrator after Petition #1 was filed, that this decedent settled her claims prior to the resolution of the Class Action and her name was inadvertently included as a Deceased Class Member.

Your Master therefore respectfully requests that **DANDELIN AI**, be stricken from Petition #1.

D. RAVILAND AI

Your Master and Probate Special Counsel were informed by the Claims Administrator after Petition #1 was filed, that this decedent settled her claims prior to the resolution of the Class Action and her name was inadvertently included as a Deceased Class Member.

Your Master therefore respectfully requests that **RAVILAND AI**, be stricken from Petition #1.

E. STEVEN AWAI AIPA

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as married to Wilhelmina Day, also known as Wilhelmina L. Aipa, also known as Wilhelmina L. Akina. This decedent has children from a former spouse as well as his last spouse. One of his children, Edward S. B. K. Aipa, died in 2013, survived by two minor children.

On or about February 15, 2024, Valline K. Schmidt submitted a letter objecting to Petition #1 with regard to the intestate heirs for this decedent. The letter was sealed as it contained full names of minors, in violation of Hawaii Court Records Rules 2.19 and 9.1. Your Master filed a

redacted version on February 23, 2024 [Dkt. 70], pursuant to the Court’s Minute Order Re: Letter to the Honorable Jeannette H. Castagnetti, filed February 23, 2024. A true and correct copy is attached as Exhibit “2.”

Ms. Schmidt is the mother of the minor children whose father was Edward S. B. K. Aipa, deceased. The letter objection requests that the settlement funds not be distributed to the decedent’s surviving spouse because she is “not of Native Hawaiian ancestry.” Ms. Schmidt instead requests the Court to distribute the proceeds to heirs who are Native Hawaiian and who qualify for Hawaiian Home Lands.

Your Master understands Ms. Schmidt’s position, however the laws of intestacy do not provide for these types of consideration. Had this decedent’s estate been processed as a separate probate proceeding, the outcome would be the same. Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent’s surviving spouse, **WILHELMINA L. AKINA (formerly known as WILHELMINA L. AIPA).**

F. LOUIS KALIHILIHULAOKALANI AKANA, JR.

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Anntoinette K. Tavares, now known as Anntoinette K. Akana. Your Master spoke to the family representative, Louis K. Akana, III. He confirmed the family received the filed Petition and related documents.

He also confirmed the spelling of his mother's first name, as it was misspelled as "Antoinette" on the decedent's death certificate.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's surviving spouse, **ANNTINETTE K. AKANA**.

G. EARL NATHAN BELL

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Never Married. Your Master also reviewed the Will of the decedent which was probated in 2018 and closed in 2019, in P. No 18-1-150. Exhibit "A" of Petition #1. The sole devisee under the Will is the decedent's brother, **GENESIS BELL**. As stated by the Petitioner, Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the probate proceeding.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's brother, **GENESIS BELL**.

H. FRANCES KAIPOLEIMANU BRAND

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master also reviewed the Will of the decedent which was executed in 1999. Exhibit "B" of Petition

#1. The Will states that she is unmarried and has three children who are her sole devisees. The Will has not been probated.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

Your Master corresponded with Barbara Mikiala Brand, who confirmed that they are the only children of the decedent, that they all received the filed documents and that there is no other version of their mother's Will.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the decedent's surviving children, **BARBARA MIKIALA BRAND, KRAUTH O. BRAND and MARJORIE S. WHITE**, in accordance with the provided unprobated Will.

I. BLANCHE LAUAE CHING

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master reviewed the Order Granting Petition for Probate of Will and Appointment of Personal Representative and Letters Testamentary, in P. No. 1CLP-21-0000848, both filed on or about February 9, 2022. Exhibit "C" of Petition #1. **RAYMOND KAIPO CHING** was appointed Personal Representative on or about February 9, 2022, in the Circuit Court of the First Circuit, State of Hawaii.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to, **RAYMOND KAIPO CHING**, Personal Representative of the Estate of Blanche Lauae Ching, also known as Balance L. Mahoney, and Blanche Lauae Mahoney Ching, Deceased.

J. GRACE KA'OLINONANIKAPONO FITZGERALD

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. Your Master also reviewed the Will of the decedent which was probated and settled in 2011. Exhibit "D" of Petition #1. The sole devisee under the Will is the decedent's son, **FLOYD JEFFERSON PIPIKANE FITZGERALD**. As stated by the Petitioner, Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the probate proceeding.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's son and sole devisee, **FLOYD JEFFERSON PIPIKANE FITZGERALD**.

K. CLAYTON KAOAO FORSYTHE

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married and his spouse is listed as KRISTINE HAWKINS. Your Master also reviewed the Will of the decedent which was executed in 2018. Exhibit "E" of Petition #1. The Will states that he is married and has three children. The Will directs the residue to be distributed to the "Akama Revocable Trust." The

attached Trust is titled the “Akama Trust,” and is dated December 18, 2015. The decedent’s spouse is the current acting Trustee of the Trust. The Akama Trust was executed jointly by the decedent and his spouse. The Trust was executed prior to the decedent’s Will and it appears that the discrepancy in the Trust title was a scrivener’s error.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to **KRISTINE HAWKINS FORSYTHE**, the Trustee of the Akama Trust, dated December 18, 2015, for distribution consistent with the Trust terms.

L. EDWARD WILLIAM FORSYTHE

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow(er). Your Master reviewed the Order Granting *Ex Parte* Petition to Reopen Probate Proceedings, for Appointment of Successor Personal Representative, and for Issuance of Letters Testamentary, in P. No. LP-17-00052, filed on or about August 28, 2023. Exhibit “F” of Petition #1.

RONETTE K. F. TAEOLII was appointed Successor Personal Representative on or about August 28, 2023, in the Circuit Court of the First Circuit, State of Hawaii. Letters Testamentary were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to, **RONETTE K. F. TAEOALII**, Successor Personal Representative of the Estate of Edward William Forsythe, also known as Edward W. Forsythe, Deceased.

M. ORLANDO EUSEBIO GANTE

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married. Your Master reviewed the Statement of Intestate Informal Appointment of Personal Representative and the Letters of Administration, both filed in the probate matter P. No. 1CLP-21-0000208, on April 5, 2021. Exhibit "G" of Petition #1.

ELSIE S. GANTE was appointed Personal Representative on or about April 5, 2021, in the Circuit Court of the First Circuit, State of Hawaii. Letters of Administration were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **ELSIE S. GANTE**, Personal Representative of the Estate of Orlando Eusebio Gante aka Orlando E. Gante aka Orlando Gante, Deceased.

N. LAWRENCE EARL JOAO

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married and his spouse is listed as Rose Rodrigues, also known as Rose Joao. Your Master also reviewed the death certificates of Rose Joao and Lawrence Earl Joao, Jr., both of whom died after the decedent. Your Master reviewed the Will of the decedent which was executed on May 19, 1993. Exhibit "H" of Petition #1. This Will was not probated.

Pursuant to both the Will and the laws of intestacy, the Decedent's entire estate would be distributed to his surviving spouse, ROSE L. JOAO. The intestate heirs of ROSE L. JOAO would be her descendants, who consist of the Decedent and Rose Joao's seven children as listed in Petition #1. Deceased child Lawrence Earl Joao, Jr. is survived by the decedent's four grandchildren, each of whom will share their father's distribution equally.

JONETTE M. VISE, daughter of the deceased class member, confirmed that ROSE L. JOAO did not leave a will.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to the intestate heirs of ROSE L. JOAO in the following proportions:

FLORENCE N. BUSH (daughter): 1/7
PEARL K. SANCHEZ (daughter): 1/7
GUSSIE M. DUDOIT (daughter): 1/7
VANESSA-ANN L. JOAO (daughter): 1/7

JONETTE M. VISE (daughter): 1/7
RAYNETTE K. SAMUELSON (daughter): 1/7

ISAAC T. JOAO (descendant of LAWRENCE E. JOAO, JR.): 1/28
JESSE C. JOAO (descendant of LAWRENCE E. JOAO, JR.): 1/28
HANAKEAKUA JOAO FARQUHAR
(descendant of LAWRENCE E. JOAO, JR.): 1/28
KALALANIAMAKALII JOAO (descendant of LAWRENCE E. JOAO, JR.): 1/28

O. DAVID KALANI JOSIAH, SR.

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married. Your Master reviewed the Statement of Intestate Informal Appointment of Personal Representative and the Letters of Administration, both filed in the probate matter P. No. 1CLP-23-0000604, on July 28, 2023. Exhibit "I" of Petition #1.

COOKIE K. JOSIAH was appointed Personal Representative on or about July 28, 2023, in the Circuit Court of the First Circuit, State of Hawaii. Letters of Administration were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **COOKIE K. JOSIAH**, Personal Representative of the Estate of David Kalani Josiah. Sr., also known as David K. Josiah, Sr., and David Josiah, Sr.

P. PATRICIA PUALANI KUKONA

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married. Your Master

also reviewed the Will of the decedent which was executed on November 10, 2020. Exhibit “J” of Petition #1. The Will states that she is married and has three children and two step-children. The Will has not been probated.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.” The Will appears to be validly executed and is clear and convincing evidence of the Decedent’s intent that her spouse is her sole devisee.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to the decedent’s surviving spouse, **NORMAN QUINTIN KUKONA**, in accordance with the provided unprobated Will.

Q. MARY ANN NEULA LIM

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow(er). Your Master reviewed the Statement of Intestate Informal Renewal of Letters of Administration, in P. No. 3LP-17-000240, filed on or about February 28, 2022. Exhibit “K” of Petition #1.

DONNA M. AMINA’s authority as Personal Representative was renewed on or about February 8, 2022, in the Circuit Court of the Third Circuit, State of Hawaii. Amended Letters of Administration were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent’s settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member’s estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to, **DONNA M. AMINA**, Personal Representative of the Estate of Mary Ann Neula Lim, also known as Mary A.N. Lim and Mary Lim.

R. JOSEPH WILLIAM PAAKAULA NAKOA

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married. Your Master also reviewed the Letters of Administration in the informal intestacy proceeding, P. No. 08-01-0224, in the Circuit Court of the Third Circuit, State of Hawaii. Exhibit "L" of Petition #1.

The sole heir under intestacy is the decedent's surviving spouse, **ROSEMARIE NAKOA aka ROSE M. NAKOA**. As stated by the Petitioner, Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the probate proceeding.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's surviving spouse, **ROSEMARIE NAKOA aka ROSE M. NAKOA**.

S. JACOB IAKOBA PUAA

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married. Your Master also reviewed the Will of the decedent which was executed on July 6, 2000. Exhibit "M" of Petition #1. The Will states that he is married and has five children. The Will has not been probated.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and

convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.” The Will appears to be validly executed and is clear and convincing evidence of the Decedent’s intent that his spouse is his sole devisee.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to the decedent’s surviving spouse, **BETTY K. PUAA**, in accordance with the provided unprobated Will.

T. IWALANI LUKE RUDDLE

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow(er). Your Master also reviewed the Will of the decedent which was executed on or about August 19, 2009. Exhibit “N” of Petition #1. The Will directs the residue to be distributed to the Iwalani Luke Ruddle Revocable Living Trust, dated May 6, 1994, as amended.

The Statement of Trust Registration, Tr. No. 10-01-003, filed on May 28, 2010, in the Circuit Court of the Third Circuit, State of Hawaii, notes that **LUKELA DONNE RUDDLE** is the Successor Trustee. This document was filed after the decedent’s date of death.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to **LUKELA DONNE RUDDLE**, the Successor Trustee of the Iwalani Luke Ruddle Revocable Living Trust, dated May 6, 1994, as amended, for distribution consistent with the Trust terms.

U. RUBY LEIMOMI WILHELM

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master reviewed the Order Granting *Ex Parte* Petition for Renewal of Letters of Administration, in P. No. LP-07-1-000213, filed on or about March 22, 2023. Exhibit "O" of Petition #1.

CHERYL A. WILSON's authority as Personal Representative was renewed on or about March 22, 2023, in the Circuit Court of the First Circuit, State of Hawaii. First Amended Letters of Administration were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to, **CHERYL A. WILSON**, Personal Representative of the Estate of Ruby Leimomi Wilhem, Deceased.

V. NANCY PUNOHU ZALOPANY

Your Master reviewed the facts contained in Petition #1 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master also reviewed the unprobated Will of the decedent which was executed on or about September 14, 1995. Exhibit "P" of Petition #1. The Will directs the residue to be distributed to the Nancy Punohu Zalopany Self- Trusteed Trust, dated September 14, 1995.

The Affidavit of Successor Trustee, recorded with the State of Hawaii Bureau of Conveyances on or about May 18, 2012, states that **ANALIA ANN FURMAN** is the Successor Trustee as a result of the decedent resigning.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **ANALIA ANN FURMAN**, the Successor Trustee of the Nancy Punohu Zalopany Self- Trusteed Trust, dated September 14, 1995, for distribution consistent with the Trust terms.

V. CONCLUSION

WHEREFORE, your Master recommends and prays as follows:

- A. That the Court approve and adopt this Master's Report Re: Petition for Instructions #1;
- B. That the Court grant the Petition for Instructions #1, filed January 2, 2024;
- C. That the Court find that jurisdictional requirements have been met and venue is proper;
- D. That the Court find that, as far as known, all persons necessary to an adjudication of this matter are parties hereto and shall be bound by all orders arising from this Petition and the Court find that there is no need to appoint a guardian ad litem to represent the interests of unknown or unascertained contingent remainder beneficiaries;
- E. That the Court authorize and Order the Claims Administrator to follow the distributions as outlined in this Report;
- F. That the Court award the Petitioner's reasonable attorneys' fees and costs to be paid by the Trust and deducted from the above beneficiaries' distributions on a pro rata basis, subject to the filing of an affidavit or declarations;

G. That the Court grant reasonable Master's fees and costs, to be paid by the Trust and deducted from the above beneficiaries' distributions on a pro rata basis, subject to the filing of an affidavit or declaration;

H. That the Court enter judgment as to this Petition pursuant to Hawaii Probate Rule 34(a) accordingly; and

I. Grant such other and further relief as this Court may deem just and equitable.

DATED: Honolulu, Hawaii, on March 1, 2024.

/s/ Emily H. Kawashima
EMILY H. KAWASHIMA
PROBATE SPECIAL MASTER

CALL NHLC
NATIVE HAWAIIAN LEGAL CENTER
1164 Bishop St Suite 1205
phone 521-2302

Corporation

HCO 95-904

Vicki continue to REPRESENT
ME in this case. Aerial Damages
att # 124, 262.10 12.22.98.
Final Decision & Order same
Cp held in the State Supreme Court

Vicki 65% } 8-8-84
Brian 25%
Elder 10%

Home 247-3668
Cell 630-3062
work 593-2785

Class Action Suit - Kalima et al vs
State of Hawaii OCT 1, 2002

Rec'd 12-10-01 LTR Dec 10, 01 update from NHLC
on Class Action Suit, Awaiting Supreme Court decision enclosed

Vicki Entire Top DAWER
on this case 95-904
work sheet Evidences
on Investigation by Panel

9-26-85
3:15 PM Called NHLC
95-904 Still Pending ???

8-14-86 DHHL map betw 9am.
Vicki & B.K. Ahio

Note: Mr. "Kamano Mills" FOLLOW INSTRUCTIONS
HCO clinic office ENCLOSED

Note: 1. class action suit Kalima
2. money from Legislature?
3 options working toward Settlement

See back of
Folder

↑ Important

Ah LO

EXHIBIT "1"

Valline K. Schmidt

87-198 kaukamana PDB
Naianae HI 96792

Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
25-FEB-2024
04:09 AM
Dkt. 62 BESP

In the matter of the Kalima class Action
Settlement trust dated June 23, 2023. In the case
of 1CTR-23-0000142 (Trust Proceeding). Dkt 33 OSTPH
Hearing date March 15th 2024 10.am. Judge: Hon
Jeannette H. Castagnetti.

I Valline K. Schmidt on behalf of my minor children
[REDACTED] and [REDACTED] listed as
Interested Heirs. I Valline K. Schmidt OBJECT the petition
belief that the deceased class member Settlement proceeds
Should be distributed to former spouse. Wilhemmina L. Akin
I object to this and reason being that Ms. Akin
is not of Native Hawaiian ancestry. Akin would not
qualify to inherit Hawaiian Homestead. therefore she should
not be entitled to proceeds. This proceeds are for Native
Hawaiians. I ask that the court consider this fact.
And grant Heirs [REDACTED] [REDACTED]
who are of native Hawaiian ancestry and qualify for
Hawaiian Home lands.

Regards,

Valline K. Schmidt

EXHIBIT "2"

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)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a file-marked copy of the foregoing document will be duly served by depositing the same in the United States Mail, postage prepaid, on the following identified interested person(s) immediately after filing.

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DATED: Honolulu, Hawaii, March 1, 2024.

/s/ Emily H. Kawashima

EMILY H. KAWASHIMA

Probate Special Master