

FIRST CIRCUIT COURT NOTICE

T. No. 1CTR-23-0000142

IN THE MATTER OF THE KALIMA CLASS ACTION SETTLEMENT TRUST
DATED JUNE 23, 2023

FILED, a Petition by Scott C. Suzuki, Esq., Probate Special Counsel, whose address is 1013 Poha Lane, Honolulu, Hawaii 96826, seeking instructions relating to the administration THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023, a copy of which is available at www.kalima-lawsuit.com, specifically relating to:

WILLIAM KALAEMAKANI AHIA, JR., Deceased

HAROLD ALEXANDER AHUNA, SR., Deceased

JOSEPH PETER AHUNA, Deceased

STANLEY MAU AH TONG AIKALA, Deceased

NELLIE NAHALA AINA, Deceased

ABRAHAM AIONA, Deceased

QUINTIN GARY JOHN AIONA, Deceased

CHARLES NUHI AIPIA, JR., Deceased

MARCIA HAUNANI UWEKOOLANI AKAHI, Deceased

BRIAN KEOLAONAPAEMOKU AKANA, Deceased

GEORGE AKANA, SR., Deceased

AMY CHARLOTTE KAELEHIWA AKAO, Deceased

JOSEPH AKEAU AKAU, Deceased

LEONARD A. AKAU, Deceased

THELMA AKAU, Deceased

GORDON KANANI AKEN, SR., Deceased

JAMES KUU IPOALOA AWEAU, Deceased

SAMUEL KAHAKUMAKA AWEAU, JR., Deceased

NELSON KALANIPOO AWO, Deceased

RUTH LUKA POAIPUNI, Deceased

The date, time and place for hearing said Petition shall be Friday, APR 05 2024, at 10:00 a.m. in the courtroom of the Judge of the above-entitled Court who shall be sitting in probate, in Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawaii 96813.

The outcome of this hearing may determine how the above-named Decedents' proceeds of the judgment in Kalima et al. v. Hawaii, Civil No. 99-4771-12 LWC, filed in the Circuit Court of the First Circuit, State of Hawaii, will be distributed. Parties interested in this Petition have the right to be represented by a private attorney, at said parties' own expense.

DATED: Honolulu, Hawaii, JAN 26 2024.

J. HIGASHIONNA

Clerk of the Above-Entitled Court

SCOTT C. SUZUKI
Probate Special Counsel
(808) 983-3850

SCOTT C. SUZUKI, ATTORNEY AT LAW

SCOTT C. SUZUKI #8181
NICOLE C. EDWARDS-MASUDA #10287
1013 Poha Lane
Honolulu, Hawaii 96826
Telephone: (808) 983-3850
Facsimile: (808) 983-3851

Probate Special Counsel

**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
26-JAN-2024
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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 SETTING DATE, TIME AND
PLACE OF HEARING ON PETITION FOR
INSTRUCTIONS #2

HEARING:

DATE: APR 05 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

ORDER SETTING DATE, TIME AND PLACE
OF HEARING ON PETITION FOR INSTRUCTIONS #2

The PETITION FOR INSTRUCTIONS #2 having been filed on
January 19, 2024, and good cause appearing therefor,

IT IS HEREBY ORDERED THAT the date, time and place for
hearing said Petition shall be Friday,
APR 05 2024, at 10:00 a.m. in the courtroom
of the Judge of the above-entitled Court who shall be sitting in

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Estate & Probate Branch
JAN 23 2024

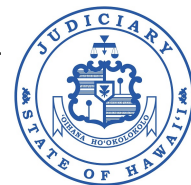
probate, in Ka`ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawaii 96813.

That Petitioner give notice of the hearing by email, via the website www.kalima-lawsuit.com, or as otherwise prescribed by H.R.S. § 560:1-401 to the persons enumerated in H.R.S. § 560:3-403 and upon payment by the demandant of the cost of reproducing copies, to any additional person who has filed a demand for notice under H.R.S. §560:3-204; and

That pursuant to Rule 10(c) of the Hawaii Probate Rules, any party wishing to object or respond to the petition shall file such objection or response with the Court or serve it on all interested persons within 30 days of service of the Petition and this Order or on the date of the scheduled hearing, whichever occurs earlier.

DATED: Honolulu, Hawaii, January 26, 2024

/s/ S. Adams



Clerk of the Above-Entitled Court

T. No. 1CTR-23-0000142; IN THE MATTER OF THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023; ORDER SETTING DATE, TIME AND PLACE OF HEARING ON PETITION FOR INSTRUCTIONS #2.

SCOTT C. SUZUKI, ATTORNEY AT LAW

SCOTT C. SUZUKI #8181
NICOLE C. EDWARDS-MASUDA #10287
1013 Poha Lane
Honolulu, Hawaii 96826
Telephone: (808) 983-3850
Facsimile: (808) 983-3851

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FIRST CIRCUIT
1CTR-23-0000142
19-JAN-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)

PETITION FOR INSTRUCTIONS #2;
EXHIBITS "A" - "L"

HEARING:

DATE: _____

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

PETITION FOR INSTRUCTIONS #2

COMES NOW 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*")¹, and hereby petitions this Court pursuant
to H.R.S. §554D-201 and Hawaii Probate Rules 28, 29 and 126, for
instructions as follows:

¹ Petitioner was appointed as Probate Special Counsel *Kalima* by that certain
Joint Order Adopting Settlement Special Master's Findings and Recommendations
and Appointing Probate Special Counsel filed therein on or about March 24, 2023.

1. Petitioner's name is SCOTT C. SUZUKI, ESQ., in his capacity as Probate Special Counsel in *Kalima*.

2. The KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023 (hereinafter the "Trust") was established by the Circuit Court of the First Circuit, State of Hawaii, pursuant to the FIRST AMENDED JOINT ORDER APPROVING PROBATE PLAN AND QUALIFIED SETTLEMENT TRUST filed in *Kalima* on or about June 23, 2023 (hereinafter the "Joint Order Approving Probate Plan").

3. This Honorable Court has jurisdiction in this matter pursuant to H.R.S. §554D-202.

4. Venue before this Honorable Court is appropriate pursuant to H.R.S. § 554D-204(a), as the principal place of administration is in this Judicial Circuit.

5. A true and correct copy of the Trust is available online at kalima-lawsuit.com.²

6. The Trustee of the Trust is SYLVIVUS H. VON SAUCKEN, General Manager - Mass Torts, Epiq Class Action & Claims Solutions, Inc. (hereinafter "Trustee"), who submits to the jurisdiction of this Honorable Court. The Trustee's address is 10300 SW Allen Boulevard, Beaverton, Oregon 97055

7. Article 1-2 of the Trust provides as follows:

"The Beneficiaries of the Trust are those parties who have a valid claim and/or interest

² The Trust is also Exhibit "A" of FIRST AMENDED JOINT ORDER APPROVING PROBATE PLAN AND QUALIFIED SETTLEMENT TRUST filed in *Kalima* on or about June 23, 2023.

in the proceeds of the settlement funds derived from the Civil Matter, including parties who are entitled to the estates of deceased Class Members"

8. Petitioner has identified multiple class members who are deceased.

9. In fulfilment of Petitioner's duties established under the Joint Order Approving Probate Plan, Petitioner will be bringing multiple petitions in this matter to identify the parties who are legally entitled to receive the deceased claimants' shares of the *Kalima* settlement funds. This Petition seeks to identify certain parties who are Beneficiaries of this Trust, and to calculate their respective beneficial interests.

10. The following deceased class members' shares of the *Kalima* settlement proceeds should be identified and disbursed as follows:

(A) **WILLIAM KALAEMAKANI AHIA, JR.**
(Date of Death: October 29, 2001)
(Place of Death: Hilo, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

WILLIAM K. AHIA III (Post-Deceased)
(Date of Death: July 5, 2013)

JENNIFER L. AHIA, Personal Representative
c/o David B.M. Ka'apu, Esq.
75-5751 Kuakini Hwy., Suite 201

Kailua-Kona, Hawaii 96740

SAMUEL K. AHIA
87-3596 Mamalahoa Highway
Captain Cook, Hawaii 96704

ALFRED A.D. AHIA
303 Iwalani Street
Hilo, Hawaii 96720

ROBERT K. AHIA
P.O. Box 11
Papaikou, Hawaii 96781

(3) OTHER INTESTATE HEIRS:

JENNIFER L. AHIA (Descendant of WILLIAM AHIA III)

WILLIAM AHIA IV (Descendant of WILLIAM AHIA III)

(4) PROBATE PROCEEDINGS:

ROBERT K. AHIA was appointed Personal Representative in 3LP061000402, filed in the Third Circuit, State of Hawaii on or about December 19, 2006. An Agreement Among Robert K. Ahia, as Personal Representative, and William K. Ahia, III, Alfred A.D. Ahia, Samuel K. Ahia and Robert K. Ahua, Heirs, filed in the probate matter on or about July 30, 2008, confirms that the intestate heirs of the deceased class member are his sons, **WILLIAM K. AHIA III, ALFRED A.D. AHIA, SAMUEL K. AHIA** and **ROBERT K. AHIA**. True and correct copies of the Letters of Administration appointing the Personal Representative and the Agreement are collectively attached hereto as **Exhibit "A"**.

One of the deceased class member's sons, **WILLIAM K. AHIA III**, is now deceased, and his estate is the subject of a probate proceeding filed in the Circuit Court of the Third Circuit, State of Hawaii in 3LP131000177. **JENNIFER L. AHIA** is the Personal Representative of the Estate of **WILLIAM K. AHIA III**, as evidenced by the Renewed Letters of Administration filed on May 10, 2022 attached hereto as **Exhibit "B"**.

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

Pursuant to Article 1-5.1(B)(2) of the Trust, "If the Estate of the deceased Class Member has previously been subject to a probate proceeding, the Trustee shall distribute the share of such deceased Class Member to the heirs/devisees in the proportions as adjudicated in such deceased Class Member's probate proceeding".

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be disbursed, in equal shares, to **SAMUEL K. AHIA, ALFRED A.D. AHIA, ROBERT K.**

AHIA, and **JENNIFER L. AHIA** as Personal Representative of
the Estate of **WILLIAM K. AHIA III**.

- (B) **HAROLD ALEXANDER AHUNA, SR.**
(Date of Death: January 18, 2006)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

CLARA P. AHUNA (Post-Deceased)
Date of Death: July 25, 2010

(verified by an obituary published online through the
Honolulu Star-Advertiser)

(2) CHILDREN:

HAROLD "BUNNY" AHUNA, JR.
41-483 Kalanianaʻole Highway
Waimanalo, Hawaii 96795

MARK "MARKO" AHUNA
41-483 Kalanianaʻole Highway
Waimanalo, Hawaii 96795

WAYNE "WINGUS" AHUNA
41-483 Kalanianaʻole Highway
Waiamanalo, Hawaii 96795

CECLIA MAHINA KAAI (Post-Deceased)
Date of Death: July 15, 2023

(verified by an online obituary published through the
Honolulu Star-Advertiser)

(3) OTHER INTESTATE HEIRS:

RENI YANO (Descendant of **CECILIA MAHINA KAAI**)
41-172 Poliala Street
Waimanalo, Hawaii 96795

(4) PROBATE PROCEEDINGS: NONE

(5) **LAST WILL NOT ADMITTED TO PROBATE: NONE**

Petitioner has located an obituary for the deceased class member's post-deceased spouse, **CLARA FRANCES POMROY "DUDEE" AHUNA** from the archives of the of the Star Advertiser. Petitioner has also located an obituary for the deceased class member's post-deceased daughter, **CECILIA MAHINA KAAI**. Both obituaries are collectively attached hereto as Exhibit "C". Said obituaries reflect that the surviving children of the deceased class member and his surviving spouse, and the descendants of **CECILIA MAHINA KAAI** are as named above.

Petitioner believes, therefore, that the deceased class member's settlement proceeds would be distributed to the surviving spouse, **CLARA P. AHUNA**. However, because **CLARA P. AHUNA** survived the deceased class member but is now deceased, Petitioner believes that the settlement proceeds should be distributed in accordance with **CLARA P. AHUNA's** estate. As of the date of this instrument, Petitioner has been unable to find any prior probate proceeding for the Estate of **CLARA P. AHUNA** and is of the impression that she was intestate. On the basis of

the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal proportions to the intestate heirs of **CLARA P. AHUNA**, who are **HAROLD "BUNNY" AHUNA, JR., MARK "MARKO" AHUNA, WANYE "WINGUS" AHUNA,** and **CECILIA MAHINA KAAI**.

In turn, because **CECILIA MAHINA KAAI** survived **CLARA P. AHUNA** but is now deceased, Petitioner believes that **CECILIA MAHINA KAAI's** share of the settlement proceeds should be disbursed to her descendant, **RENI YANO**.

(C) **JOSEPH PETER AHUNA**
(Date of Death: October 17, 2006)
(Place of Death: Laie, Hawaii)

(1) SURVIVING SPOUSE:

GLADYS KUULEI PUKALEHUA PUALOA-AHUNA (Post-Deceased)
Date of Death: December 5, 2020

(verified by an online obituary published through the Honolulu Star-Advertiser)

(2) CHILDREN: NONE

(3) OTHER INTESTATE HEIRS:

WILLIE PUALOA III (Step-Son)

RICHARD PUALOA (Step-Son)

LANI CHASE (Step-Daughter)

VERLA MOORE (Step-Daughter)
55-545 Naniloa Loop
Laie, Hawaii 96762

UILANI PUALOA (Step-Daughter)

IPOLANI TANO (Step-Daughter)

NOELANI PUALOA-UBANDO (Step-Daughter)

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

Petitioner has not been provided with a death certificate for the deceased class member's surviving spouse, **GLADYS KUULEI PUAHALEHUA ENOS PUALOA-AHUNA**. Petitioner has also not been provided with family information for the Decedent.

The value of the deceased class member's claim, as can be verified by the Probate Special Master, is within the range to which a surviving spouse would be entitled to inherit pursuant to H.R.S. § 560:2-102. Therefore, Petitioner believes that the deceased class member's settlement proceeds should be distributed to the surviving spouse, **GLADYS KUULEI PUAHALEHUA ENOS PUALOA-AHUNA**. However, because **GLADYS KUULEI PUAHALEHUA ENOS PUALOA-AHUNA** is now deceased, Petitioner believes that

the settlement proceeds should be distributed in accordance with **GLADYS KUULEI PUAKALEHUA ENOS PUALOA-AHUNA**'s estate. No probate proceeding was initiated for the Estate of **GLADYS KUULEI PUAKALEHUA ENOS PUALOA-AHUNA**, but pursuant to her obituary published in the Honolulu Star Advertiser and attached hereto as Exhibit "D", her intestate heirs would be her children, **WILLIE PUALOA III, RICHARD PUALOA, LANI CHASE, VERLA MOORE, UILANI PUALOA, IPOLANI TANO, and NOELANI PUALOA-UBANDO**. On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal proportions to **WILLIE PUALOA III, RICHARD PUALOA, LANI CHASE, VERLA MOORE, UILANI PUALOA, IPOLANI TANO, and NOELANI PUALOA-UBANDO**.

(D) **STANLEY MANU AH TONG AIKALA**
(Date of Death: March 26, 2020)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:**

JOAN KEKAULIKE AIKALA
15 Craigsides Place, Apt. 313
Honolulu, Hawaii 96817

(2) **CHILDREN: NONE**

(3) **OTHER INTESTATE HEIRS: NONE**

(4) **PROBATE PROCEEDINGS: NONE**

(5) **LAST WILL NOT ADMITTED TO PROBATE:**

Pursuant to the Deceased Settlement Class Member Information Request form, the deceased Class Member established a joint trust with his surviving spouse, **JOAN K. AIKALA**. The deceased class member reportedly had a Will, although no will was submitted to the Claims Administrator. Because the trust is a revocable living trust, Petitioner believes that decedent likely established a "pour-over will".

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **JOAN K. AIKALA, Trustee of the Stanley M.A.T. and Joan K. Aikala Living Trust dated November 10, 1999, as amended.**

(E) **NELLIE NAHALA AINA**
(Date of Death: October 10, 2008)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE: NONE**

(2) **CHILDREN:**

SAFFERY AINA

NATHAN AINA

UILANI DENHAM

VINA AINA

VINCENT AINA

41-1362 Kuhimana Street
Waimanalo, Hawaii 96795

JOHNETTE "PAKE" WONG

41-616 Poalima Street
Waiamanalo, Hawaii 96795

NATALIE "SUZIE" KANOA (post-deceased)

Date of Death: June 3, 2013

(verified by online obituary published through the
Honolulu Star-Advertiser)

MICHELLE KEALOHANUI (post-deceased)

(Date of Death: January 1, 2020)

(verified through an online obituary published through
Ballard Family Mortuary)

(3) OTHER INTESTATE HEIRS:

HENRY KANOA, JR. (Descendant of **NATALIE "SUZIE" KANOA**)

1226 Ulupuni Street
Kailua, Hawaii 96734

ULYSUS KANOA-PEREZ (Descendant of **NATALIE "SUZIE" KANOA**)

2977 Ala Ilima Street, Unit 401
Honolulu, Hawaii 96818

URSULA KANOA (Descendant of **NATALIE "SUZIE" KANOA**)

2977 Ala Ilima Street, Unit 401
Honolulu, Hawaii 96818

UYNICE KANOA (Descendant of **NATALIE "SUZIE" KANOA**)

1721 Mott-Smith Drive, Unit A
Honolulu, Hawaii 96822

DUSTIN JOHN KEALOHANUI (Descendant of **MICHELLE
KEALOHANUI**)

1659 Hoolehua Street
Pearl City, Hawaii 96782

DIAMOND KEALOHANUI (Descendant of **MICHELLE KEALOHANUI**)
659 Hoolehua Street
Pearl City, Hawaii 96782

(4) **PROBATE PROCEEDINGS:** NONE

(5) **LAST WILL NOT ADMITTED TO PROBATE:** NONE

Petitioner has not received communications directly from any of the deceased class member's relatives or heirs. Pursuant to the deceased class member's Certificate of Death, the deceased class member was not married at the time of death.

Petitioner has located the deceased class member's obituary online, which was published through the website, Legacy.com based on information provided by Mililani Downtown Mortuary. Said obituary indicates that the deceased class member was survived by her children, **SAFFREY AINA, VINCENT AINA, NATHAN AINA, NATALIE "SUZIE" KANOA, VINA AINA, JOHNETTE "PAKE" WONG, UILANI DENHAM,** and **MICHELLE KEALOHANUI.**

Petitioner has located an obituary online for **NATALIE "SUZIE" KANOA,** which was published through the Honolulu Star-Advertiser. Said obituary indicates that **NATALIE**

"SUZIE" KANOA died on or about June 3, 2013 and that she was survived by her children, HENRY KANOA, JR., ULYSUS KANOA-PEREZ, URSULA KANOA, and UYNICE KANOA.

Petitioner has located an obituary online for MICHELLE KEALOHANUI, which was published through Ballard Family Mortuary. Said obituary indicates that MICHELLE KEALOHANUI died on or about January 1, 2020 and that she was survived by her children, DUSTIN JOHN KEALOHANUI and DIAMOND KEALOHANUI.

All above-referenced obituaries related to this deceased class member are collectively attached hereto as Exhibit "E".

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be disbursed to deceased class member's heirs in the following proportions:

SAFFREY AINA (son): 1/8

VINCENT AINA (son): 1/8

NATHAN AINA (son): 1/8

VINA AINA (daughter): 1/8

JOHNETTE "PAKE" WONG (daughter): 1/8

UILANI DENHAM (daughter): 1/8

HENRY KANOA, JR. (descendant of NATALIE "SUZIE" KANOA):
(1/32)

ULYSUS KANOA-PEREZ (descendant of NATALIE "SUZIE"
KANOA): 1/32

URSULA KANOA (descendant of NATALIE "SUZIE" KANOA): 1/32

UYNICE KANOA (descendant of NATALIE "SUZIE" KANOA): 1/32

DUSTIN JOHN KEALOHANUI (descendant of MICHELLE
KEALOHANUI): 1/16

DIAMOND KEALOHANUI (descendant of MICHELLE KEALOHANUI):
1/16

(F) **ABRAHAM AIONA**

(Date of Death: June 21, 2001)

(Place of Death: Waimanalo, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

JEFFREY HEWAHEWA AIONA

1543 Dublin Lane
Escondido, California 92027

ABRAHAM KAMAUNU AIONA

41-056 Hinalaea Street
Waimanalo, Hawaii 96795

GEORGE HAUOLI AIONA

(Date of Death: February 23, 2006)

(Death Certificate shall be filed under seal herein)

LEONARD AIONA

(Date of Death: September 12, 2020)

(Death Certificate shall be filed under seal herein)

(3) **OTHER INTESTATE HEIRS:** NONE

(4) **PROBATE PROCEEDINGS:**

ABRAHAM K. AIONA was appointed Personal Representative for the Estate of **ABRAHAM AIONA** in P. No. 1LP021000144 filed in the Circuit Court of the First Circuit, State of Hawaii. This probate proceeding has not been concluded, but presently there is no personal representative authorized to act on behalf of the Estate with current Letters Testamentary.

(5) **LAST WILL NOT ADMITTED TO PROBATE:** NONE

Pursuant to the Order Granting Petition for Formal Probate of Will and Formal Appointment of Personal Representative, filed on June 15, 2002, the deceased class member's Last Will has been admitted to probate. Said Last Will is a pour-over will, leaving the estate to the decedent's revocable trust agreement dated October 16, 1991. On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **ABRAHAM K. AIONA, Trustee of the Abraham**

Aiona Revocable Living Trust Agreement dated October 16, 1991.

True and correct copies of the Order Granting Petition for Formal Probate of Will and Formal Appointment of Personal Representative filed on June 25, 2002, Letters Testamentary filed on June 25, 2002, and the Last Will and Testament of **ABRAHAM AIONA** presented for probate on March 11, 2002, filed in 1LP021000144 are collectively attached hereto as **Exhibit "F"**.

(G) **QUINTIN GARY JOHN AIONA**
(Date of Death: **March 28, 2014**)
(Place of Death: **Hilo, Hawaii**)

(1) SURVIVING SPOUSE:

MYRNA N. AIONA
16 Paipai Street
Hilo, Hawaii 96720

(2) CHILDREN:

DEYSON QUINTIN K. AIONA
107 Ohuohu Street
Hilo, Hawaii 96720

DEYVIN-MICOLE K. AIONA
16 Paipai Street
Hilo, Hawaii 96720

DEYSHA-RAE N. AIONA
1823 Kalani Street, Apt. 4
Honolulu, Hawaii 96819

- (3) **OTHER INTESTATE HEIRS:** NONE
- (4) **PROBATE PROCEEDINGS:** NONE
- (5) **LAST WILL NOT ADMITTED TO PROBATE:** NONE

All of the deceased class member's descendants are also the descendants of the surviving spouse. On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to the surviving spouse, **MYRNA N. AIONA.**

(H) **CHARLES NUHI AIPIA JR.**
(Date of Death: January 11, 2008)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:**

BEVERLY M. AIPIA
P.O. Box 417
Kamuela, Hawaii 96743

(2) **CHILDREN:**

DONALD K. AIPIA
85-339 Kohai Place
Waianae, Hawaii 96792

WYNELLE U. PLACE
P.O. Box 1805
Kaunakakai, Hawaii 96748

- (3) **OTHER INTESTATE HEIRS:** NONE
- (4) **PROBATE PROCEEDINGS:** NONE
- (5) **LAST WILL NOT ADMITTED TO PROBATE:** NONE

The deceased class member's descendants are not the descendants of the deceased class member's surviving spouse. Nevertheless, the value of the deceased class member's claim, as can be verified by the Probate Special Master, is within the range to which a surviving spouse would be entitled to inherit pursuant to H.R.S. § 560:2-102. Therefore, Petitioner believes that the deceased class member's settlement proceeds should be distributed to the surviving spouse, **BEVERLY MASAKO AIPIA**.

(I) **MARCIA HAUNANI UWEKOOLANI AKAHI**
(Date of Death: April 16, 2022)
(Place of Death: Wailuku, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

ERNESTINE AKAHI
205 Naniloa Drive
Wailuku, Hawaii 96793

EDWIN AKAHI (Pre-Deceased)
(No Descendants)

(Certificate of Death filed under seal herein)

LLOYDE AKAHI
3851 Wynn Road, Apt. 1091
Las Vegas, Nevada 89103

JASON AKAHI
33 Maluhia Drive, Apt. B
Wailuku, Hawaii 96793

(3) **OTHER INTESTATE HEIRS:** NONE

- (4) **PROBATE PROCEEDINGS:** NONE
- (5) **LAST WILL NOT ADMITTED TO PROBATE:** NONE

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed in equal proportions to her surviving children, **ERNESTINE AKAHI**, **LLOYDE AKAHI**, and **JASON AKAHI**.

- (J) **BRIAN KEOLAONAPAEMOKU AKANA**
(Date of Death: January 4, 2004)
(Place of Death: Seattle, Washington)

- (1) **SURVIVING SPOUSE:** NONE
- (2) **CHILDREN:** NONE
- (3) **OTHER INTESTATE HEIRS:**

HEATHER K. MINTON (Mother)
16538 Beach Drive NE
Lake Forest Park, Washington 98155

NICHOLAS K. AKANA (Father)
99-440 Pawa Way
Mililani, Hawaii 96789

- (4) **PROBATE PROCEEDINGS:** NONE
- (5) **LAST WILL NOT ADMITTED TO PROBATE:** NONE

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal

proportions to his surviving parents, **HEATHER K. MINTON**
and **NICHOLAS K. AKANA.**

(K) **GEORGE AKANA SR.**
(Date of Death: March 30, 1998)
(Place of Death: Lihue, Hawaii)

(1) SURVIVING SPOUSE:

IONE P. AKANA (Post-Deceased)

(verified through an obituary published online at
www.findagrave.com)

(2) CHILDREN:

GEORGE A. AKANA, JR. (post-deceased)
(Date of Death: June 13, 2002)

(verified through an obituary published by the Honolulu
Star-Bulletin)

KEVIN M. AKANA
209 Hao Street
Honolulu, Hawaii 96821

(3) OTHER INTESTATE HEIRS:

GEORGE AKANA III (Descendant of **GEORGE A. AKANA, JR.**)
91-220 Oahehe Way
Kapolei, Hawaii 96707

KOA AKANA (Descendant of **GEORGE A. AKANA. JR.**)
688 Kinoole Street, Suite 112
Hilo, Hawaii 96720

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

Petitioner has reviewed the death certificate of the deceased class member and notes that his marital status is reflected as "Divorced". Petitioner has located an obituary for the deceased class member from the Honolulu Star-Bulletin published April 1, 1998. Said obituary provides that the deceased class member was survived by his spouse, **IONE P. AKANA**. There is also no record of a divorce between the deceased class member and **IONE P. AKANA** found on the State of Hawaii Judiciary Information Management System.

Petitioner has located an obituary for **IONE P. AKANA**, which reflects that she died on or about January 1, 2008 and had two children in common with the deceased class member: **GEORGE A. AKANA, JR.** and **KEVIN M. AKANA**.

A further internet search indicates that **GEORGE A. AKANA, JR.** died after the deceased class member. Petitioner has located an obituary for **GEORGE A. AKANA, JR.** published in the Honolulu Star-Bulletin. This obituary indicates that **GEORGE A. AKANA, JR.** was survived by two sons, **GEORGE AKANA III** and **KOA AKANA**. All aforementioned obituaries related to this deceased

class member are collectively attached hereto as Exhibit "G".

Based on the foregoing information, Petitioner believes that the deceased class member's settlement proceeds should be distributed to his surviving spouse, **IONE P. AKANA**. Because **IONE P. AKANA** is now deceased and no probate proceedings have been initiated for her estate, Petitioner believes that the settlement proceeds should flow through to her heirs-at-law. Therefore, the settlement proceeds should be distributed as follows:

KEVIN M. AKANA - ONE-HALF (1/2)

GEORGE AKANA III - ONE-FOURTH (1/4)

KOA AKANA - ONE-FOURTH (1/4)

(L) **AMY CHARLOTTE KAELEHIWA AKAO**
(Date of Death: July 4, 2003)
(Place of Death: Hilo, Hawaii)

(1) SURVIVING SPOUSE:

ERNEST K. AKAO (Post-Deceased)
(Date of Death: February 16, 2017)

(2) CHILDREN:

NEPHI P. BROWN
P.O. Box 383438
Waikoloa, Hawaii 96738

LEHI WILFRED K. BROWN
459 East Kahaopea Street
Hilo, Hawaii 96720

ANDREW AKAO (Step-Son)

DAVID AKAO (Step-Son)

IPOLANI WRIGHT (Step-Daughter)
HC 2 Box 6856
Keeau, Hawaii 96749

NOHEALANI TUCKER (Step-Daughter)
84-754 Ala Mahiku Street, Unit 51A
Waianae, Hawaii 96792

ANELALANI AKAO (Step-Daughter)
85-134 Maiuu Road
Waianae, Hawaii 96792

HOLLY AKAO (Step-Daughter)
85-134 Maiuu Road
Waianae, Hawaii 96792

ENOS AKAO (Pre-Deceased Step-Son)
(No Descendants)

- (3) **OTHER INTESTATE HEIRS: NONE**
- (4) **PROBATE PROCEEDINGS: NONE**
- (5) **LAST WILL NOT ADMITTED TO PROBATE: NONE**

The Decedent's intestate heir was her surviving spouse, **ERNEST K. AKAO**, who is now deceased. Had **ERNEST K. AKAO** survived to the completion of the settlement, his estate would have controlled the distribution of the settlement proceeds. As of the date of this filing, there are no

probate proceedings in the State of Hawaii initiated for the Estate of **ERNEST K. AKAO**. The obituary for **ERNEST K. AKAO** indicates that his intestate heirs are his children, **ANDREW AKAO, DAVID AKAO, IPOLANI WRIGHT, NOHEALANI TUCKER, ANELALANI AKAO, HOLLY AKAO, and ENOS AKAO**. According to an obituary for **ERNEST K. AKAO**, published online through Hawaiian Memorial Park Mortuary, **ENOS AKAO** pre-deceased **ERNEST K. AKAO**. A true and correct copy of said obituary is attached hereto as **Exhibit "H"**.

The deceased class member's children, **NEPHI P. BROWN** and **LEHI WILFRED K. BROWN** are not the children of surviving spouse, **ERNEST K. AKAO**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal proportions to the heirs-at-law of **ERNEST K. AKAO: ANDREW AKAO, DAVID AKAO, IPOLANI WRIGHT, NOHEALANI TUCKER, ANELALANI AKAO, and HOLLY AKAO**.

(M) **JOSEPH AKEAU AKAU**
(Date of Death: August 12, 2010)
(Place of Death: Waianae, Hawaii)

(1) SURVIVING SPOUSE:

RAMONA AKAU
87-126 Laanui Street
Waianae, Hawaii 96792

(2) CHILDREN:

JILL PUANANI RODRIGUES
87-126 Laanui Street
Waianae, Hawaii 96792

DANIEL B. AKAU
5313 Ulumalu Street
Kailua, Hawaii 96734

DANETTE KAAHANUI
91-1037 Koanimakani Street
Kapolei, Hawaii 96792

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to his surviving spouse, **RAMONA AKAU**.

(N) **LEONARD A. AKAU**
(Date of Death: August 22, 1996)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

ELAINE M.P. AKAU
530 Olomana Street
Kailua, Hawaii 96734

(2) CHILDREN:

ALEXANDER L. AKAU
530 Olomana Street
Kailua, Hawaii 96734

DONNA LEILANI AKAU
530 Olomana Street
Kailua, Hawaii 96734

LENETTE IWALANI MAKAHILAHILA
750 Ululani Street
Kailua, Hawaii 96734

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(6) LAST WILL NOT ADMITTED TO PROBATE:

No probate proceeding was initiated, but the deceased class member's will was deposited in the Circuit Court of the First Circuit, State of Hawaii. The Last Will and Testament of Leonard Alexander Akau is a pour-over will, which directs the deceased class member's residuary estate to the Leonard A. Akau Trust dated August 24, 1993. True and correct copies of the Last Will and Testament of Leonard Alexander Akau and the

Leonard A. Akau Trust, both dated August 24, 1993, are collectively attached hereto as Exhibit "I".

On the basis of the foregoing, the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **ELAINE MAILE KUULEI PIILANI ISAACS AKAU, Trustee of the Leonard A. Akau Trust dated August 24, 1993.**

- (0) **THELMA AKAU**
(Date of Death: December 17, 2022)
(Place of Death: Keeau, Hawaii)

(1) SURVIVING SPOUSE:

APITAI AKAU, JR.
862 Haihai Street
Hilo, Hawaii 96720

(2) CHILDREN:

BRADLEY AKAU
HC 2 Box 6464
Keeau, Hawaii 96749

CHARMAINE CHINEN
HC 2 Box 6465
Keeau, Hawaii 96749

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE:

The deceased class member had a Last Will dated May 11, 1993, and a Codicil dated May 13, 1994. Both of these documents appear to have been validly executed as testamentary instruments. Together, these documents pour the deceased class member's probate estate to the deceased class member's trust, known as the Thelma May Akau Revocable Living Trust dated May 11, 1993, which has been amended on or about May 13, 1994. Said Last Will, Codicil, Trust and Trust Amendment are collectively attached hereto as **Exhibit "J"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **APITAI AKAU, JR., Trustee of the Thelma May Akau Revocable Living Trust dated May 11, 1993, as amended.**

(P) **GORDON KANANI AKEN, SR.**
(Date of Death: January 13, 2009)
(Place of Death: Waianae, Hawaii)

(1) SURVIVING SPOUSE:

HELEN L. AKEN
86-263 Hokuaea Place
Waianae, Hawaii 96792

(2) CHILDREN:

GORDON K. AKEN, JR.
86-263 Hokuarea Place
Waianae, Hawaii 96792

REED AKEN
86-263 Hokuarea Place
Waianae, Hawaii 96792

CHAD AKEN
86-263 Hokuarea Place
Waianae, Hawaii 96792

JOCELYN AKEN
86-263 Hokuarea Place
Waianae, Hawaii 96792

LEANNE AKEN
86-263 Hokuarea Place
Waianae, Hawaii 96792

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

As can be verified by the Probate Special Master, the deceased class member's claim is subject to distribution pursuant to H.R.S. § 560:2-102. Petitioner believes, therefore, that the deceased class member's settlement proceeds should be distributed to the surviving spouse, **HELEN L. AKEN.**

(Q) JAMES KUU IPOALOHA AWEAU
(Date of Death: October 16, 2012)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

BLOSSOM M. AWEAU
P.O. Box 5451
Kaneohe, Hawaii 96744

(2) CHILDREN:

BETH L. AWEAU
91-1036 Ualakupu Street
Kapolei, Hawaii 96709

KIMO MIRANDA
7886 Palace Monaco
Las Vegas, Nevada 89117

JEFFREY AWEAU
2817 Koea Place
Makawao, Hawaii 96768

SCOTT AWEAU
91-1036 Ualakupu Street
Kapolei, Hawaii 96707

LAURIE AWEAU-NII
84-1054 A Farrington Hwy.
Waianae, Hawaii 96792

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE:

Petitioner has been provided with a Short Form Trust Agreement for the James K. Aweau Revocable Living Trust dated July 4, 2003. Petitioner reasonably believes that the deceased class member had a will that was not admitted to probate, and that the will is likely a pour over will that directs his residuary estate to his

revocable living trust. A true and correct copy of said Short Form Trust Agreement is attached hereto as **Exhibit "K"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **BLOSSOM M. AWEAU, Trustee of the James K. Aweau Revocable Living Trust dated July 4, 2003.**

(R) **SAMUEL KAHAKUMAKA AWEAU, JR.**
(Date of Death: September 18, 2009)
(Place of Death: Ewa Beach, Hawaii)

(1) SURVIVING SPOUSE:

LAURA C. AWEAU (Post-Deceased)
(Date of Death: October 6, 2011)
(Death Certificate shall be filed under seal herein)

(2) CHILDREN:

KEITH S. AWEAU
1427 Ehupua Street
Honolulu, Hawaii 96821

PAMELA SAKUMA
91-1028 Kahiuka Street
Ewa Beach, Hawaii 96706

WAYNE DALE AWEAU (Post-Deceased Son)
(Date of Death: January 15, 2022)
(Death Certificate filed under seal herein)

WYMAN AWEAU
321 Deptford Road
Glassboro, New Jersey 08028

- (3) **OTHER INTESTATE HEIRS: NONE**
- (4) **PROBATE PROCEEDINGS: NONE**
- (5) **LAST WILL NOT ADMITTED TO PROBATE: NONE**

The Decedent's intestate heir was his surviving spouse, **LAURA C. AWEAU**, who is now deceased. Had **LAURA C. AWEAU** survived to the completion of the settlement, her estate would have controlled the distribution of the settlement proceeds. As of the date of this filing, there are no probate proceedings in the State of Hawaii initiated for the Estate of **LAURA C. AWEAU**. The intestate heirs of **LAURA C. AWEAU** are her children, **KEITH S. AWEAU** and **PAMELA SAKUMA**. The deceased class member's children, **WAYNE DALE AWEAU** and **WYMAN AWEAU** are not the children of his surviving spouse.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal proportions to the heirs-at-law of **LAURA C. AWEAU: KEITH S. AWEAU** and **PAMELA SAKUMA**.

(S) **NELSON KALANIPOO AWO**
(Date of Death: October 5, 2009)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

PUUONEOMAKAPUU N. JOHNSON
41-890 Kalaniana'ole Hwy.
Waimanalo, Hawaii 96795

KAPIOLANI N. AWO
5666 Carolyn Drive
North Ridgeville, Ohio 44039

KALAPANA K. GARRETT
1336 S. Washington Street
Kennewick, Washington 99337

GEORGE K. AWO
45-077 Waikalua Road #D
Kaneohe, Hawaii 96744

(3) **OTHER INTESTATE HEIRS:** NONE

(4) **PROBATE PROCEEDINGS:** NONE

(5) **LAST WILL NOT ADMITTED TO PROBATE:** NONE

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal proportions to his surviving children: **PUUONEOMAKAPUU N. JOHNSON, KAPIOLANI N. AWO, KALAPANA K. GARRETT, and GEORGE K. AWO.**

(T) **RUTH LUKA POAIPUNI**
(Date of Death: September 28, 2014)
(Place of Death: Kaunakakai, Hawaii)

(1) SURVIVING SPOUSE: NONE

(2) CHILDREN:

JONAH J. POAIPUNI, JR.

CLAYTON M. POAIPUNI

TIMOTHY BRIAN POAIPUNI

MARK KENDALL POAIPUNI

(3) OTHER INTESTATE HEIRS:

ALOHALANI K.S. SACHIKO POAIPUNI (Descendant of MARK KENDALL POAIPUNI)

HAUOLI K.S. MARIKO POAIPUNI (Descendant of MARK KENDALL POAIPUNI)

POMAIKAI K.S. CHIEMI POAIPUNI (Descendant of MARK KENDALL POAIPUNI)

KAHELELANI K.S. EMIKO POAIPUNI (Descendant of MARK KENDALL POAIPUNI)

(4) PROBATE PROCEEDINGS:

JONAH JOE POAIPUNI JR., **Personal Representative**

c/o Na`unanikina`u A. Kamali`i, Esq.

212 Merchant Street, Suite 330

Honolulu, Hawaii 96813

JONAH JOE POAIPUNI JR. was appointed Personal Representative in P. No. 2CLP-23-0000078 on or about June 30, 2023, in the Circuit Court of the Second Circuit, State of Hawaii. True and correct copies of the Order Granting Petition for Adjudication of Intestacy and Appointment of Personal Representative and

Letters of Administration, both filed on or about July 3, 2023, are collectively attached hereto as **Exhibit "L"**.

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

Pursuant to Article 1-5.1(B)(1) of the Trust, if the "Estate of the deceased Class Member shall be the subject of an open probate proceeding, the Trustee shall distribute the share of the deceased Class Member to the duly appointed and currently acting Personal Representative". On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **JONAH JOE POAIPUNI JR.**, Personal Representative of the Estate of **RUTH LUKA POAIPUNI**, also known as RUTH LUKA KAIMIKAUA POAIPUNI, also known as RUTH L. POAIPUNI, Deceased.

11. Petitioner is seeking instructions from this Honorable Court to make the disbursements as set forth above.

12. Notice of this Petition is concurrently being served on the parties named above and by publication. A Statement of Service documenting efforts to serve each of the parties named

hereinabove will be filed prior to the hearing to be scheduled for this Petition.

13. Pursuant to H.R.S. § 560:1-403, the interests of minors are adequately represented by their respective parents if there is no conflict of interest and no conservator or guardian has been appointed. There appears to be no conflict of interest as the relief requested herein would not result in any adult beneficiary receiving any interest to the detriment of a minor beneficiary.

14. Pursuant to H.R.S. §§ 554D-301 through 304, service by representation is authorized.

WHEREFORE, Petitioner prays that the Court:

- A. Find that jurisdiction and venue are proper;
- B. Set a date, time and place of hearing on this Petition;
- C. Find that a basis exists for instructions;
- D. Instruct the Trustee to make the distributions set forth hereinabove;
- E. Find that, upon filing proof that the distributions have been made, the beneficiaries' interests in this Trust shall be fully satisfied and the Trustee shall have no further responsibility or liability with respect to such beneficiaries;

F. Award reasonable attorneys' fees and Master fees related to the filing of this Petition, as supported by affidavit or declaration; and

G. Grant such other relief as may be appropriate.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE(S) TO FOLLOW]

PETITIONER UNDERSTANDS THAT THIS DOCUMENT IS DEEMED TO INCLUDE AN OATH, AFFIRMATION, OR STATEMENT TO THE EFFECT THAT (1) ITS REPRESENTATIONS ARE TRUE AS FAR AS PETITIONER KNOWS OR IS INFORMED, (2) IT IS NOT BEING PRESENTED FOR AN IMPROPER PURPOSE, SUCH AS TO HARASS OR TO CAUSE UNNECESSARY DELAY OR NEEDLESS INCREASE IN THE COST OF LITIGATION, AND (3) THAT PENALTIES FOR PERJURY MAY FOLLOW DELIBERATE FALSIFICATION.

DATED: Honolulu, Hawaii, January 19, 2024.

/s/ Scott C. Suzuki
SCOTT C. SUZUKI, ESQ., Probate
Special Counsel

Hawaii Probate Rule 5(b) Certification

/s/ Scott C. Suzuki
Scott C. Suzuki

Attorney for Petitioner