

FIRST CIRCUIT COURT NOTICE

T. No. 1CTR-23-0000142

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

FILED, Petition for Instructions #23 by Scott C. Suzuki,
Esq., Probate Special Counsel, whose address is 1018 Kemole Lane,
Honolulu, Hawaii 96826 (808) 983-3850, 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:

ELIZABETH P.K. GALINDO, Deceased
EDWARD GARCIA, Deceased
LURLINE GENEVIEVE MAHEALANI HENRY, Deceased
LYLAC K. BAKER HIGA, Deceased
WALTER SCOTT ADAMS, Deceased
LAVERNE MAHEALANI KANAKANUI, Deceased
KATHLEEN KAPULE KAHUI HOLDEN (also known as KATHLEEN KAPULE
HOLDEN), Deceased
BENJAMIN ALAMANI, Deceased
JAMES PIWAI AKIONA SR., Deceased
MATHILDA M. ADOLPHO, Deceased
ABIGAIL MARY ANN STEWART, Deceased
HYENIE EYLLENE SATO, Deceased
JUDITH P. NAUMU-STEWART, Deceased
PEARL ALICIA KUULEIMOMIKAI PERRY, Deceased
WILLARD ANDRE KALIMA JR., Deceased
CLEMENT KAHELE KALUNA, Deceased
JOHN HERMAN KEHALENANI KAMA, Deceased
NORMA LEE KAWAILANI KAMA, Deceased
BARBARA KAMAE (also known as BARBARA MAMO AQUINO), Deceased
WILLIAM KUAMOO HEALANI KAPUNI, Deceased
DOROTHY ELAINE KUULEI HANAPEI, Deceased
JAMES KAHUANUI, Deceased
ROBERT H. KAI (also known as ROBERT H. KAI SR.), Deceased
MANUEL YONA KAAPANA JR., Deceased
NAOMI KUULEIALOHA ALCOSIBA, Deceased

HENRY KALEOALOHA KAAIHUE, Deceased
BERNICE BERDON, Deceased
CHARLES KAULUWEHI MAXWELL SR., Deceased
REGINALD KAIKAPU KALUNA, Deceased
HALEAKALA MILDRED SYLVESTER, Deceased

The date, time and place for hearing said Petition shall be Friday, October 17, 2025, 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 party's own expense.

DATED: Honolulu, Hawaii, September 5, 2025.

S. ADAMS
Clerk of the Above-Entitled Court

SCOTT C. SUZUKI
Attorney for Petitioner
(808) 983-3850

SCOTT C. SUZUKI, ATTORNEY AT LAW

SCOTT C. SUZUKI #8181
NICOLE C. EDWARDS-MASUDA #10287
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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. _____
(Trust Proceeding)

PETITION FOR INSTRUCTIONS #23;
EXHIBITS "A" - "H"

HEARING:

DATE: _____

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

PETITION FOR INSTRUCTIONS #23

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 SYLVIUS 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) **ELIZABETH P.K. GALINDO**
(Date of Death: September 29, 2014)
(Place of Death: Waianae, Hawaii)

(1) SURVIVING SPOUSE:

DANIEL BENITO GALINDO (Post-Deceased)
Date of Death: October 5, 2017

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by children named below.

(2) CHILDREN:

DANIEL GALINDO

89-476 Ulei Loop
Waianae, Hawaii 96792

DONALD J. GALINDO

85-1274 Kumaipo Street
Waianae, Hawaii 96792

ELIZABETH KELIIHOLOKAI (Pre-Deceased)

Date of Death: February 7, 2011

(Verified by Certificate of Death filed under seal
herein)

No Known Probate Proceedings

Survived by:

FRANCIS ALOHIKEA KELIIHOLOKAI (Spouse)

85-1274 Kumaipo Street
Waianae, Hawaii 96792

RICHARD F.T. GALINDO (Descendant)

85-1274 Kumaipo Street
Waianae, Hawaii 96792

RONALD D.K. GALINDO (Descendant)

427 Launiu Street Unit 301
Honolulu, Hawaii 96815

JACIE S.M. KELIIHOLOKAI (Descendant)

85-1274 Kumaipo Street
Waianae, Hawaii 96792

DANNE L. GALINDO SR. (Post-Deceased)

Date of Death: July 13, 2019

(Verified by obituary published online by the Honolulu
Star-Advertiser)

No known probate proceedings.

Survived by:

DANNE GALINDO SEE (Descendant)
85-135 Ala Akau Street
Waianae, 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 in the following proportions:

DANIEL GALINDO - ONE-FOURTH (1/4)
DONALD J. GALINDO - ONE-FOURTH (1/4)
RICHARD F.T. GALINDO - ONE-TWELFTH (1/12)
RONALD D.K. GALINDO - ONE-TWELFTH (1/12)
JACIE S.M. KELIIHOLOKAI - ONE-TWELFTH (1/12)
DANNE GALINDO SEE - ONE-FOURTH (1/4)

- (B) **EDWARD GARCIA**
(Date of Death: February 16, 2018)
(Place of Death: Las Vegas, Nevada)

- (1) **SURVIVING SPOUSE:**

PEGGY GARCIA
1751 Thomas Street
Niceville, Florida 32578

- (2) **CHILDREN:**

DARRYL GARCIA
87-1779 Mokila Street
Waianae, Hawaii 96792

DARRELYN GARCIA

726 Birch Street, Apt. 14
Honolulu, Hawaii 96814

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

Petitioner is informed that the deceased class member's children, **DARRYL GARCIA** and **DARRELYN GARCIA** are not also the children of his surviving spouse, **PEGGY GARCIA**.

On the basis of the foregoing, and considering the value of the settlement proceeds allocated for the deceased class member's claim, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed in the following proportions:

PEGGY GARCIA - FIRST \$100,000, PLUS ONE-HALF (1/2) BALANCE
DARRYL GARCIA - ONE-FOURTH (1/4) BALANCE
DARRELYN GARCIA - ONE-FOURTH (1/4) BALANCE

- (C) **LURLINE GENEVIEVE MAHEALANI HENRY**
(Date of Death: February 19, 2021)
(Place of Death: Hilo, Hawaii)

- (1) **SURVIVING SPOUSE: NONE**
- (2) **CHILDREN:**

GENNIFER TREAT
2008 Day Break Court
Fairfield, California 94534

KALEI KISTLE
P.O. Box 2135
Pahoa, Hawaii 96778

(3) OTHER INTESTATE HEIRS:

MARSHALL D. CHINEN, ESQ. (Personal Representative)
2305 Ahaana Way
Honolulu, Hawaii 96821

(4) PROBATE PROCEEDINGS:

MARSHALL D. CHINEN, ESQ. was appointed Personal Representative of the deceased class member's estate in Probate No. 3CLP-23-0000317, filed in the Circuit Court of the Third Circuit, State of Hawaii. A true and correct copy of the Letters of Administration are attached hereto as **Exhibit "A"**.

(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 **MARSHALL D. CHINEN, ESQ., Personal Representative of the Estate of Lurline Genevieve Mahealani Henry.**

(D) **LYLAC K. BAKER HIGA**
(Date of Death: June 1, 1999)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

TOMOSHIN HIGA (Post-Deceased)
Date of Death: October 4, 2012

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by children named below.

(2) CHILDREN:

KENROCK K. HIGA
1620 Onipaa Street
Honolulu, Hawaii 96819

RANDALL HIGA (Post-Deceased)
Date of Death: October 27, 2022

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

CONAN V. HIGA (Descendant)
10 Kuikele Place
Makawao, Hawaii 96768

KARLY L. BATOON (Descendant)
696 Vineland Avenue
Henderson, Nevada 89052

BRANDON K. HIGA (Descendant)
12-337 Greco Drive
Orlando, Florida 32824

DERICK HIGA (Post-Deceased)
Date of Death: May 18, 2020

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived By:

LYNN MARIE PETRY (Spouse)
P.O. Box 447
Kamuela, Hawaii 96743

KEONI HIGA (Descendant)
314 Puna Lane
Honolulu, Hawaii 96813

KELIKA HIGA (Descendant)
45-001 Holowai Street
Kaneohe, Hawaii 96789

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

The deceased class member left a Last Will dated February 24, 1999. Petitioner also has been provided with a copy of a Last Will and Testament dated December 23, 1993. Neither of the Wills have been admitted to probate, but both pour-over to the Lylac K. Higa Revocable Living Trust dated December 23, 1993. **KENROCK K.S. HIGA** appears to be the sole remaining Trustee for the Lylac K. Higa Revocable Living Trust dated December 23, 1993. Both Last Wills and an Affidavit and Acceptance of

Appointment are collectively attached hereto as Exhibit
"B".

On the basis of the foregoing, Petitioner believes that
the deceased class member's share of the *Kalima*
settlement proceeds should be distributed to **KENROCK**
K.S. HIGA, Trustee for the Lylac K. Higa Revocable Living
Trust dated December 23, 1993.

(E) **WALTER SCOTT ADAMS**
(Date of Death: July 15, 2007)
(Place of Death: Hoolehua, Hawaii)

(1) **SURVIVING SPOUSE:**

SYLVIA AU ADAMS
P.O. Box 337
Hoolehua, Hawaii 96729

(2) **CHILDREN:**

COLE ADAMS
1563 Kanalui Place
Honolulu, Hawaii 96816

ROXANNE ADAMS
1563 Kanalui Place
Hoolehua, Hawaii 96729

KEALAOKAMAILEANAKEA ADAMS
1563 Kanalui Place
Honolulu, Hawaii 96816

KAWEHI ADAMS
P.O. Box 337
Hoolehua, Hawaii 96729

KAMAHINA ADAMS
P.O. Box 337
Hoolehua, Hawaii 96729

KAULUPAMAKEALOHOU ADAMS
P.O. Box 337
Hoolehua, Hawaii 96729

KAMAKA ADAMS
P.O. Box 337
Hoolehua, Hawaii 96729

SCOTT ADAMS (Post-Deceased)
Date of Death: August 20, 2022

(Verified by obituary published online by the Honolulu
Star-Advertiser)

No known probate proceedings.

Survived By:

MAYUMI TAKEDA-ADAMS (Spouse)
P.O. Box 501
Hoolehua, Hawaii 96729

KEALAOKAMAILEAWAKEA ADAMS
1563 Kanalui Place
Honolulu, Hawaii 96816

KAWEHIHUNEOKAWAILANI ADAMS
P.O. Box 337
Hoolehua, Hawaii 96729

KAMAHINAKALAE ADAMS
P.O. Box 337
Hoolehua, Hawaii 96729

KAULUPAMAKEALAHOU ADAMS
P.O. Box 337
Hoolehua, Hawaii 96729

KAMAKAHOOMINOAKA ADAMS
P.O. Box 337
Hoolehua, Hawaii 96729

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

On the basis of the foregoing, and considering the value of the settlement proceeds allocated for the deceased class member's claim, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to the deceased class member's surviving spouse, **SYLVIA AU ADAMS**.

(F) **LAVERNE MAHEALANI KANAKANUI**
(Date of Death: February 12, 2021)
(Place of Death: Hilo, Hawaii)

(1) **SURVIVING SPOUSE:**

NORMAN JIM KANAKANUI
95-068 Waimakua Drive
Mililani, Hawaii 96789

(2) **CHILDREN:**

ANDRINA K KANAKANUI-ASPILI
95-068 Waimakua Drive
Mililani, Hawaii 96789

NORMAN J. KANAKANUI JR.
P.O. Box 5906
Hilo, Hawaii 96720

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

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

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, **NORMAN JIM KANAKANUI**.

- (G) **KATHLEEN KAPULE KAHUI HOLDEN** (also known as **KATHLEEN KAPULE HOLDEN**)
(Date of Death: May 24, 2022)
(Place of Death: Ewa Beach, Hawaii)

- (1) **SURVIVING SPOUSE:** NONE

- (2) **CHILDREN:**

- LEE ANN M. BANKHEAD**
2722 Eagle Lake Drive
Clermont, Florida 34711

- KEONI COOPER**
315 Brophy Court
Frederick, Colorado 80530

- KEOKI COOPER**
7025 Aladar Drive
Windsor, Colorado 80550

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

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

LEE ANN M. BANKHEAD - ONE-THIRD (1/3)
KEONI COOPER - ONE-THIRD (1/3)
KEOKI COOPER - ONE-THIRD (1/3)

(H) **BENJAMIN ALAMANI**
(Date of Death: March 20, 2012)
(Place of Death: Salem, Oregon)

(1) SURVIVING SPOUSE:

LINDA ALAMANI
4380 Angie Marie Way NE
Salem, Oregon 97305

(2) CHILDREN:

BECKY HORKA
1955 Kauoha Street
Lihue, Hawaii 96766

CHERILYN ALAMANI
4380 Angie Marie Way NE
Salem, Oregon 97305

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

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

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima*

settlement proceeds should be distributed to surviving spouse, **LINDA ALAMANI**.

(I) **JAMES PIWAI AKIONA SR.**
(Date of Death: February 19, 2012)
(Place of Death: Kailua-Kona, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

SHERILYN WAHINEKAPU

c/o Hastings Laun & Houser LLC
Carter Professional Center, Suite B-20
65-1230 Mamalahoa Highway
Kamuela, Hawaii 96743

DEVLYN K. AKAU

76-6170 Plumeria Road
Kailua-Kona 96740

JAYMIEANN L. AKIONA

76-150 Royal Poinciana Drive
Kailua-Kona 96740

NEDDIE DE JESUS

74-802 Pa Place
Kailua-Kona Hawaii 96740

HAROLD AKIONA

3125 N. Buffalo Drive #2096
Las Vegas, Nevada 89128

JAYJAY EDWARD AHULAU AKIONA (Pre-Deceased)

Date of Death: January 21, 2007

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

No descendants.

JAMES PIWAI AKIONA JR. (Post-Deceased)
Date of Death: June 29, 2024

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by:

LANI L. HUTCHISON (Descendant)
9128 East Sugar Sumac Street
Tucson, Arizona 85747

NYNA M. AKIONA (Descendant)
68-1850 Pua Melia #104
Waikoloa, Hawaii 96738

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

SHERILYN WAHINEKAPU was appointed Personal Representative of the deceased class member's estate in Probate No. 3CLP-24-0000106, filed in the Circuit Court of the Third Circuit, State of Hawaii. A true and correct copy of the Letters of Administration are attached hereto as **Exhibit "C"**.

(5) LAST WILL NOT ADMITTED TO PROBATE:

Based on the filings submitted in Probate No. 3CLP-24-0000106, the deceased class member was alleged to have

died intestate. However, Petitioner has been presented with a copy of the deceased class member's Last Will dated November 17, 1994. Said Last Will appears to have been executed as a valid testamentary instrument, and pours over to the James P. Akiona Sr. Trust Agreement dated November 17, 1994. It would further appear that **SHERILYN WAHINEKAPU** (formerly known as **SHERILYN ADAMS**) is the current-acting Trustee. True and correct copies of the Last Will and the James P. Akiona Sr. Trust Agreement are collectively attached hereto as **Exhibit "D"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **SHERILYN WAHINEKAPU as Personal Representative of the Estate of James Piwai Akiona Sr., or alternatively, to SHERILYN WAHINEKAPU (formerly known as SHERILYN ADAMS), Trustee of the James P. Akiona Sr. Trust Agreement dated November 17, 1994.**

- (J) **MATHILDA M. ADOLPHO**
(Date of Death: August 27, 2016)
(Place of Death: Kaunakakai, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

ALOMA EUSTAQUIO

P.O. Box 629
Kaunakakai, Hawaii 96748

WARREN ADOLPHO

18-149 Waiahole Valley Road
Kaneohe, Hawaii 96744

RITA JEAGAR

12523 Chapel Bell
San Antonio, Texas 78230

KEALA PENROSE

1351 White Tail Drive
Frederick Town, Missouri 63645

PATRICK ADOLPHO (Post-Deceased)

Date of Death: October 8, 2021

(Verified by obituary published online by the Honolulu
Star-Advertiser)

No known probate proceedings.

Survived by:

KERRIE DIXON (Descendant)

45-506 Iouli Place
Kaneohe, Hawaii 96744

STEPHANIE ADOLPHO (Descendant)

4105 W Dickey Road
Sapulpa, Oklahoma 74066

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

(4) **PROBATE PROCEEDINGS:** NONE

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

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

ALOMA EUSTAQUIO - ONE-FIFTH (1/5)
WARREN ADOLPHO - ONE-FIFTH (1/5)
RITA JEAGAR - ONE-FIFTH (1/5)
KEALA PENROSE - ONE-FIFTH (1/5)
KERRIE DIXON - ONE-TENTH (1/10)
STEPHANIE ADOLPHO - ONE-TENTH (1/10)

(K) **ABIGAIL MARY ANN STEWART**
(Date of Death: January 23, 2018)
(Place of Death: Ewa Beach, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

MARNEY K. MORISHIGE
P.O. Box 314
Hanalei, Hawaii 96714

AGNES S. FERREIRA
94-1001 Kaaholo Street
Waipahu, Hawaii 96797

WILLIAM W. STEWART
P.O. Box 1588
Waianae, Hawaii 96792

SUZANNE W. TASAKA
P.O. Box 1132
Hanalei, Hawaii 96714

CARY LEE GIFFORD
P.O. Box 371
Anahola, Hawaii 96703

WENDY S. MEYER (Post-Deceased)
Date of Death: October 26, 2022

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived By:

CHRISTOPHER A. MEYER (Descendant)
145 Parkbrook Circle
Tallahassee, Florida 32301

GRETCHEN SIMS (Descendant)
1208 Lawndale Road
Tallahassee, Florida 32317

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

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

MARNEY K. MORISHIGE - ONE SIXTH (1/6)
AGNES V. FERREIRA - ONE SIXTH (1/6)
WILLIAM W. STEWART - ONE SIXTH (1/6)
SUZANNE W. TASAKA - ONE SIXTH (1/6)
CARY LEE GIFFORD - ONE SIXTH (1/6)
CHRISTOPHER A. MEYER - ONE TWELFTH (1/12)
GRETCHEN SIMS - ONE TWELFTH (1/12)

- (L) **HYENIE EYLLENE SATO**
(Date of Death: November 30, 2022)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

SANFORD SATO

41-1691 A Kalaniana'ole Highway
Waimanalo, Hawaii 96795

KARL SATO

45-091 Lilipuna Road
Kaneohe, Hawaii 96744

MARAELEN EMANUELLO

45-091 Lilipuna Road
Kaneohe, Hawaii 96744

ROBERT SATO (Pre-Deceased)

Date of Death: May 26, 2007

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

DARRELLYN SATO (Spouse)

286 West Hawthorne Drive
Casa Grande, Arizona 85122

ROBLLYN SATO (Descendant)

286 West Hawthorne Drive
Casa Grande, Arizona 85122

RIDGE SATO (Descendant)

286 West Hawthorne Drive
Casa Grande, Arizona 85122

ROBYNN SATO (Descendant)

286 West Hawthorne Drive
Casa Grande, Arizona 85122

RONNIELYN SATO (Descendant)

286 West Hawthorne Drive
Casa Grande, Arizona 85122

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

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

SANFORD SATO - ONE-FOURTH (1/4)
KARL SATO - ONE-FOURTH (1/4)
MARAELEN EMANUELLO - ONE-FOURTH (1/4)
ROBLLYN SATO - ONE-SIXTEENTH (1/16)
RIDGE SATO - ONE-SIXTEENTH (1/16)
ROBYNN SATO - ONE-SIXTEENTH (1/16)
RONNIELYN SATO - ONE-SIXTEENTH (1/16)

(M) **JUDITH P. NAUMU-STEWART**
(Date of Death: December 11, 2002)
(Place of Death: Honolulu, Hawaii)

- (1) **SURVIVING SPOUSE:** NONE
- (2) **CHILDREN:**

VINCENT B. NAUMU
1801 East Warlow #39
Gillette, Wyoming 82716

SEAN STEWART
95-1053 Malielie Street
Mililani, Hawaii 96789

VINCENT B. NAUMU
1801 East Warlow #39
Gillette, Wyoming 82716

ROBIN L. BOTT (Post-Deceased)
Date of Death: December 18, 2016

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

BRYAN W. BOTT (Spouse)
427 McKenzie Street
Adrian, Michigan 49221

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

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

VINCENT B. NAUMU - ONE-FOURTH (1/4)
SEAN STEWART - ONE-FOURTH (1/4)
VINCENT B. NAUMU - ONE-FOURTH (1/4)
BRYAN W. BOTT - ONE-FOURTH (1/4)

(N) **PEARL ALICIA KUULEIMOMIKAI PERRY**
(Date of Death: May 21, 2000)
(Place of Death: Honolulu, Hawaii)

- (1) **SURVIVING SPOUSE:** NONE
- (2) **CHILDREN:**

MAHEALANI P. WENDT
P.O. Box 961
Haiku, Hawaii 96708

WARREN C. PERRY
P.O. Box 687
Lawai, Hawaii 96765

DARRYL D. PERRY
P.O. Box 1682
Hilo, Hawaii 96721

DAVE A. PEREZ
91-1010 Kumulipo Street
Ewa Beach, Hawaii 96707

MOSES J. MARTINEZ³
(Via Email: Zenpro2000@gmail.com)

ALEXIS M. KING
1831-A Kaikunane Loop
Honolulu, Hawaii 96817

DARDANELLE F. KAAUWAI (Post-Deceased)
Date of Death: December 2, 2020

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

JAKE KAAUWAI (Spouse)
151 Lanipo Drive
Kailua, Hawaii 96734

RICHARD RAYMOND BURKHART JR. (Descendant)
P.O. Box 53
Kekaha, Hawaii 96752

³ The deceased class member's family has informed Petitioner that MOSES J. MARTINEZ has been living in Mexico for over 30 years and has difficulty receiving mail. MOSES J. MARTINEZ has requested that any communications to him be made via e-mail.

JOHN ROBERT BURKHART II (Descendant)
946 Donax Avenue #233
Imperial Beach, California 91932

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

A probate proceeding seeking to adjudicate the deceased class member as intestate was initiated in 2009, and filed as Probate No. 1LP091000339 in the Circuit Court of the First Circuit, State of Hawaii. However, the initial petition was withdrawn on or about September 10, 2009 and nothing has been filed in this matter since.

(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 the following proportions:

MAHEALANI P. WENDT - ONE-SEVENTH (1/7)
WARREN C. PERRY - ONE-SEVENTH (1/7)
DARRYL D. PERRY - ONE-SEVENTH (1/7)
DAVE A. PEREZ - ONE-SEVENTH (1/7)
MOSES J. MARTINEZ - ONE-SEVENTH (1/7)
ALEXIS M. KING - ONE-SEVENTH (1/7)
JAKE KAAUWAI - ONE-SEVENTH (1/7)

(O) **WILLARD ANDRE KALIMA JR.**
(Date of Death: August 2, 2011)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:**

SHEILAH KALIMA
63 Ohia Ku Street, Unit E-103
Makawao, Hawaii 96768

(2) **CHILDREN:**

KAUPENA KALIMA
P.O. Box 6382
Kahului, Hawaii 96733

KAILA MAFATINI
P.O. Box 575
Wailuku, Hawaii 96793

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

(4) **PROBATE PROCEEDINGS: NONE**

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

On the basis of the foregoing, and the estimated value of the deceased class member's share of the *Kalima* settlement proceeds, Petitioner believes that said settlement proceeds should be distributed to the deceased class member's surviving spouse, **SHEILAH KALIMA.**

(P) **CLEMENT KAHELE KALUNA**
(Date of Death: May 24, 2009)
(Place of Death: Hilo, Hawaii)

(1) SURVIVING SPOUSE:

CATHY G. SPIRZ-KALUNA (Post-Deceased)

Date of Death: March 23, 2011

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by children named below.

(2) CHILDREN:

DAVID KALUNA

3447 SE Oakmeade Avenue
Hillsboro, Oregon 97123

HEATHER KALUNA

13-3529 Maile Street
Pahoa, Hawaii 96778

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

CATHY G. KALUNA was appointed Personal Representative of the deceased class member's estate in Probate No. 3LP101000157, filed in the Circuit Court of the Third Circuit, State of Hawaii. Following the death of **CATHY G. KALUNA**, **DAVID KALUNA** was appointed as successor Personal Representative on or about May 31, 2011. A true and correct copy of the Letters of Administration issued to **DAVID KALUNA** is attached hereto as **Exhibit "E"**.

Upon Petitioner's review of the probate record, it appears that **DAVID KALUNA's** Letters of Administration expired on or about May 31, 2014 and have not been renewed. Administration of the deceased class member's estate has not been completed.

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

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

DAVID KALUNA - ONE-HALF (1/2)
HEATHER KALUNA - ONE-HALF (1/2)

(Q) JOHN HERMAN KEHALENANI KAMA
(Date of Death: May 16, 2006)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE: NONE

(2) CHILDREN:

KUKANA KAMA-TOTH
P.O. Box 602
Waimanalo, Hawaii 96795

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

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

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **KUKANA KAMA-TOTH.**

(R) **NORMA LEE KAWAILANI KAMA**
(Date of Death: September 4, 2005)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:**

EDMUND KAMA
99-222 Ohenana Loop
Aiea, Hawaii 96701

(2) **CHILDREN:** NONE

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

(4) **PROBATE PROCEEDINGS:** NONE

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

On the basis of the foregoing, and considering the value of the deceased class member's settlement, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **EDMUND KAMA.**

(S) **BARBARA KAMAE** (also known as **BARBARA MAMO AQUINO**)
(Date of Death: July 18, 2005)
(Place of Death: Las Vegas, Nevada)

(1) SURVIVING SPOUSE:

GEORGE S. AQUINO
7932 Horn Tail Court
Las Vegas, Nevada 89131

(2) CHILDREN:

CHRISTOPHER KAMAE
201 Las Vegas Boulevard S, Unit 7401
Las Vegas, Nevada 89125

DARLENE KAMAE
91-0696 Kumuhonua Street
Ewa Beach, Hawaii 96706

ALEXANDER KAMAE
17071 Sandra Lee Lane, Apt. D
Huntington Beach, California 92649

WAILANI MONICA AQUINO
5909 Panorama Drive SE, Apt. 1 Unit 101
Auburn, Washington 98092

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

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

On the basis of the foregoing, and considering the estimated value of the deceased class member's share of the settlement proceeds, Petitioner believes that the deceased class member's share of the *Kalima* settlement

proceeds should be distributed to the deceased class member's surviving spouse, **GEORGE S. AQUINO**.

(T) **WILLIAM KUAMOO HEALANI KAPUNI**
(Date of Death: May 17, 2008)
(Place of Death: Kalamaula, Hawaii)

(1) **SURVIVING SPOUSE:**

VICTORIA GILLESPIE
46-359 Haiku Road, Apt. B2
Kaneohe, Hawaii 96744

(2) **CHILDREN:**

MELISSA KAPUNI
5938 False Creek Court
Deming, Washington 98244

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

(4) **PROBATE PROCEEDINGS: NONE**

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

On the basis of the foregoing, and considering the estimated value of the claim, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to the surviving spouse, **VICTORIA GILLESPIE**.

(U) **DOROTHY ELAINE KUULEI HANAPI**
(Date of Death: November 24, 2010)
(Place of Death: Los Angeles, California)
(Verified by Social Security Administration Death Record)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

SHERRAN FERNANDEZ MARTINEZ

1040 Lawrence Avenue
Rosemead, California 91770

LUANA FERNANDEZ DANG

119 Pakele Lane
Hilo, Hawaii 96720

RENRIK FERNANDEZ

2789 Country Road
Nauvoo, Alabama 35578

BURMA FERNANDEZ PHELPS

1040 Lawrence Avenue
Rosemead, California 91770

EARL FERNANDEZ SR. (Pre-Deceased)

Date of Death: September 14, 1967

(Verified by obituary published by The Register in Santa Ana, California)

No known probate proceedings.

Survived By:

CONNIE FERNANDEZ (Spouse)

PMB 4352
Box 257
Olympia, Washington 98507

DEVRA FERNANDEZ (Descendant)

PMB 4352
Box 257
Olympia, Washington 98507

EARL FERNANDEZ JR. (Descendant)

PMB 4352
Box 257
Olympia, Washington 98507

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

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed (less the cost of the heir search in the amount of \$685.50) in the following proportions:

SHERRAN FERNANDEZ MARTINEZ - ONE-FIFTH (1/5)
LUANA FERNANDEZ DANG - ONE-FIFTH (1/5)
RENRIK FERNANDEZ - ONE-FIFTH (1/5)
BURMA FERNANDEZ PHELPS - ONE-FIFTH (1/5)
DEVRA FERNANDEZ - ONE-TENTH (1/10)
EARL FERNANDEZ JR. - ONE-TENTH (1/10)

- (V) **JAMES KAHUANUI**
(Date of Death: July 18, 2015)
(Place of Death: Kamuela, Hawaii)

- (1) SURVIVING SPOUSE:

TEMA KAHUANUI⁴
(Via Email: temakaleinani@gmail.com)

- (2) CHILDREN:

KAIMANA J. KAHUANUI
P.O. Box 437333
Kamuela, Hawaii 96743

⁴ Petitioner is informed the TEMA KAHUANUI is homeless and does not have a mailing address. She is, however, able to communicate via e-mail.

PONO KAHUANUI
P.O. Box 6418
Kamuela, Hawaii 96743

LOKAHI KAHUANUI
Houseless
Kailua-Kona, Hawaii 96740

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

Petitioner is informed that the deceased class member's children are also the children of the deceased class member's 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 deceased class member's surviving spouse, **TEMA L. KAHUANUI**.

- (W) **ROBERT H. KAI** (also known as **ROBERT H. KAI SR.**)
(Date of Death: **September 11, 2009**)
(Place of Death: **Kailua, Hawaii**)

- (1) **SURVIVING SPOUSE:** NONE
- (2) **CHILDREN:**

ROBERT HALONA KAI JR.
212 Minerals Way
Cibolo, Texas 78108

PAMELA JANE CARMACK
608 N. Caddell Way
Mustang, Oklahoma 73064

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

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

ROBERT HALONA KAI JR. - ONE-HALF (1/2)
PAMELA JANE CARMACK - ONE-HALF (1/2)

- (X) **MANUEL YONA KAAPANA JR.**
(Date of Death: June 20, 2014)
(Place of Death: Keaau, Hawaii)

- (1) **SURVIVING SPOUSE:**

SALLY KAAPANA
511 SE 2nd Street, Apt. 30
Battle Ground, Washington 98604

- (2) **CHILDREN:**

CAROLINE KAAPANA
454 Keonaona Street
Hilo, Hawaii 96720

CAMRON KAAPANA
1300 Highpoint Drive
Atwater, California 95301

MANETTE KAAPANA
72-3998 Hawaii Belt Road
Kailua-Kona, Hawaii 96740

IONA KAAPANA (Pre-Deceased)
Date of Death: March 29, 2007

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

KAIMANA KAAPANA
47-729 Kamehameha Highway
Kaneohe, Hawaii 96744

NAMANU KAAPANA-SUZUI
P.O. Box 492951
Keaau, Hawaii 96749

KEMOMI KAAPANA
153 Lukia Street
Hilo, Hawaii 96720

KALUHI KAAPANA-WENGLER
2920 Ala Ilima Street, Apt. 1705
Honolulu, Hawaii 96818

KAHUWAI KAAPANA
153 Lukia Street
Hilo, Hawaii 96720

KEALOHA KAAPANA
P.O. Box 2345
Kamuela, Hawaii 96743

HENOHEAIKAPOLIOKALANI JOY KAAPANA (Pre-Deceased)
Date of Death: April 26, 2006

(Verified by obituary published by the Honolulu
Star-Bulletin)

No known probate proceedings.

No spouse and no descendants.

DANITA ANN KEMOMILANI KAAPANA (Pre-deceased)

Date of Death: January 27, 1994

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived By:

KEAULII KAAPANA (Descendant)

HC3 Box 13120

Keaau, Hawaii 96749

KALEO KAAPANA-BULLARD (Descendant)

HC3 Box 13120

Keaau, Hawaii 96749

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

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds, especially considering the anticipated value of such share, should be distributed to surviving spouse, **SALLY KAAPANA**.

(Y) **NAOMI KUULEIALOHA ALCOSIBA**
(Date of Death: October 31, 2021)
(Place of Death: Hilo, Hawaii)

- (1) **SURVIVING SPOUSE:** NONE
- (2) **CHILDREN:**

ANTHONY A. ALCOSIBA, JR.
3247 Martha Street
Honolulu, Hawaii 968153842

GALE CAMACHO
HCR 2 Box 6420
Keaau, Hawaii 967499306

ALISSA KASHIWADA
91-1046 Waikapuna Street
Ewa Beach, Hawaii 967066427

ROBERT J. MARCOS, JR. (Pre-Deceased)
Date of Death: February 12, 2013

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

SHANNON HISATAKE (Descendant)
P.O. Box 861
Daly City, California 94017

CASSIE GALE MARCOS (Descendant)
1600 Main Avenue, Apt. 230
Port Arthur, Texas 77642

GUY K. ALCOSIBA (Pre-Deceased)
Date of Death: August 21, 2004

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

DONNA ALCOSIBA (Spouse)
14-3361 Nanawale Boulevard
Pahoa, Hawaii 96778

(3) OTHER INTESTATE HEIRS: NONE

(4) **PROBATE PROCEEDINGS:** NONE

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

The deceased class member left a Last Will dated October 11, 1991. Said Last Will appears to have been validly executed as a testamentary instrument, and bequeaths the residuary estate to the deceased class member's children in equal shares "per stirpes". Two (2) of the deceased class member's children predeceased her, **ROBERT J. MARCOS, JR.** and **GUY K. ALCOSIBA**. The Last Will defines "per stirpes" as "equal shares among living children and the issue of deceased children, the latter taking by right of representation". The terms "per stirpes" and "right of representation" do not have identical meanings and this creates an ambiguity. The Will was executed in 1991 and the Hawaii Probate Code in effect at the time of the Decedent's death refers to instruments executed after January 1, 1997 (see H.R.S. 560:2-709). A true and correct copy of said Last Will is submitted herewith as **Exhibit "F"**.

Petitioner proposes resolving the ambiguity by invoking the antilapse statute in effect as of the deceased class member's date of death. Under the antilapse statute

(H.R.S. § 560:2-603(b)), a substitute gift would be made to the descendants of a deceased devisee. Under this interpretation, the share of **ROBERT J. MARCOS, JR.** would be divided equally among his descendants, and the share of **GUY K. ALCOSIBA** would be divided equally among his descendants.

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

ANTHONY A. ALCOSIBA JR. - ONE-FOURTH (1/4)
GALE CAMACHO - ONE-FOURTH (1/4)
ALISSA KASHIWADA - ONE-FOURTH (1/4)
SHANNON HISATAKE - ONE-EIGHTH (1/8)
CASSIE GALE MARCOS - ONE-EIGHTH (1/8)

(Z) **HENRY KALEOALOHA KAAIHUE**
(Date of Death: June 3, 2009)
(Place of Death: Hilo, Hawaii)

(1) SURVIVING SPOUSE:

LINDA KAAIHUE
126 Paipai Street
Hilo, Hawaii 96720

(2) CHILDREN:

HENRY KEHAU KAAIHUE JR.
969 Manono Street
Hilo, Hawaii 96720

HESTON POMAI KAAIHUE
943 Hoolaulea Street
Hilo, Hawaii 96720

HEIDI PASTOR SHELDON LACSINA
15-1922 30th Avenue
Keaau, Hawaii 96749

HOLLIE-PUA KAAIHUE
133 Baker Avenue
Hilo, Hawaii 96720

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

Upon review of the public record, Petitioner has identified a probate matter that may relate to the deceased class member's estate, Probate No. 1LP000026142, filed in the Circuit Court of the First Circuit, State of Hawaii. This matter has been sealed and redacted, so Petitioner is unable to verify the extent to which it impacts the deceased class member's estate. However, from other information provided to Petitioner, it appears that the deceased class member was intestate.

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

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, **LINDA KAAIHUE**.

(AA) **BERNICE BERDON**
(Date of Death: October 29, 2017)
(Place of Death: Kamuela, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

ALFRED BERDON JR.
P.O. Box 1799
Kamuela, Hawaii 96743

ALFREIDA AKAU
220 16th Avenue E #105
Seattle, Washington 98112

CHARMAINE PHILLIPS
P.O. Box 1113
Kamuela, Hawaii 96743

CORINNE WELLER
P.O. Box 1799
Kamuela, Hawaii 96743

VALERIE BERDON (Post-Deceased)
Date of Death: October 27, 2023

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived By:

KEHAULANI R. BERDON
P.O. Box 190733
Hawi, Hawaii 96719

ROSALINE L. RODRIGUES
73-4595 Old Mamalahoa Highway
Kailua-Kona, Hawaii 96740

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

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

ALFRED BERDON JR. - ONE-FIFTH (1/5)
ALFREIDA AKAU - ONE-FIFTH (1/5)
CHARMAINE PHILLIPS - ONE-FIFTH (1/5)
CORINNE WELLER - ONE-FIFTH (1/5)
KEHAULANI R. BERDON - ONE-TENTH (1/10)
ROSALINE L. RODRIGUES - ONE-TENTH (1/10)

(BB) **CHARLES KAULUWEHI MAXWELL SR.**
(Date of Death: March 15, 2012)
(Place of Death: Wailuku, Hawaii)

- (1) **SURVIVING SPOUSE: NONE**
- (2) **CHILDREN:**

SHERIANN MAXWELL
157 Alea Place
Makawao, Hawaii 96768

KATHY MARIE MAXWELL-JUAN
68 Kumu Laau Ohia Loop
Wailuku, Hawaii 96793

CHARLES MAXWELL JR. (Post-Deceased)

Date of Death: March 30, 2024

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by:

RAYNETTE MAXWELL (Spouse)

17 Kauluwehi Street
Kula, Hawaii 96790

DEBRAANN PUNALANI KAMALII (Pre-Deceased)

Date of Death: May 23, 2005

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived By:

ADRIAN K. KAMALII

1050 Bishop Street #507
Honolulu, Hawaii 96813

ELLIOT KALEIHUAPALAKEA KAMALII

157 Alea Place
Makawao, Hawaii 96768

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE:

The deceased class member left a Last Will, dated April 2, 1991. Said Last Will appears to have been executed as a valid testamentary instrument. The Last Will pours-

over to the Charles K. Maxwell, Sr. Revocable Trust dated April 2, 1991, of which **SHERRIANN HINANO MAXWELL** is named as successor Trustee. Decedent's Last Will and the Third Amendment to the Charles K. Maxwell, SR. Revocable Trust are collectively attached hereto as **Exhibit "G"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **SHERRIANN HINANO MAXWELL, Trustee of the Charles K. Maxwell, Sr. Revocable Trust dated April 2, 1991, as amended.**

(CC) **REGINALD KAIKAPU KALUNA**
(Date of Death: January 4, 2010)
(Place of Death: Hilo, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

WILLIAM ALAN KALUNA NIHI (Post-Deceased)
Date of Death: May 1, 2022

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by:

MARIE LEIMOMI DELA CRUZ (Spouse)
P.O. Box 2138
Pahoa, Hawaii 96778

LISA L. LABRADOR (Descendant)
P.O. Box 2052
Pahoa, Hawaii 96778

CHRISTYANN LEIMOMI DELA CRUZ (Descendant)
89-602 Haleakala Avenue
Waianae, Hawaii 96792

STACIE K. NIHI DELA CRUZ (Descendant)
P.O. Box 2138
Pahoa, Hawaii 96778

NADINE K.N. DELA CRUZ (Descendant)
P.O. Box 1682
Pahoa, Hawaii 96778

PRECIOUS K.N. DELA CRUZ (Descendant)
HCR 2 Box 6212
Keaau, Hawaii 96749

TANYA PAVAO (Descendant)
HCR1 Box 5480
Keaau, Hawaii 96749

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

Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to his only son, **WILLIAM ALAN KALUNA NIHI**. Because this son is now also deceased, the estate of **WILLIAM ALAN KALUNA NIHI** should govern the further administration of the settlement funds. On the basis of

the foregoing and given the estimated value of the settlement funds, the deceased class member's share of *Kalima* settlement proceeds should be distributed to **MARIE LEIMOMI DELA CRUZ.**

(DD) **HALEAKALA MILDRED SYLVESTER**
(Date of Death: June 26, 2021)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

BEVERLY K. STANICH
806 Wailupe Drive
Wailuku, Hawaii 96793

HAROLD HANAUKAMA SYLVESTER
94-284 Kahuanani Place
Waipahu, Hawaii 96797

BERNADETTE MAPUANA CAVACO
3016 Date Street Apt. 8
Honolulu, Hawaii 96816

BRENDA KAWINOHEA BALDERSTON
11-411 Park Lane
Garden Grove, California 92840

GERALD KELEKOMA SYLVESTER (Pre-Deceased)
Date of Death: April 8, 2011

(Verified by obituary published online by the Honolulu Star-Advertiser)

No Known Probate Proceedings

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

(4) **PROBATE PROCEEDINGS:** NONE

(5) LAST WILL NOT ADMITTED TO PROBATE:

The deceased class member left a Last Will dated June 9, 2011. Said Last Will appears to have been executed as a valid testamentary instrument and devises the residuary estate to the James E. and Haleakala M. Sylvester Trust dated November 27, 1990, as amended. **BEVERLY K. STANICH** is the current trustee for said Trust. True and correct copies of the Last will and the James E. and Haleakala M. Sylvester Trust are collectively attached hereto as Exhibit "H".

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **BEVERLY K. STANICH, Trustee of the James E. and Haleakala M. Sylvester Trust dated November 27, 1990, as amended.**

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. Appointment EMILY H. KAWASHIMA, ESQ., as Master, to review and report to this Honorable Court regarding the relief requested in this Petition;
- D. Find that a basis exists for instructions;
- E. Instruct the Trustee to make the distributions set forth hereinabove;
- F. 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;

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

H. Grant such other relief as may be appropriate.

[REMAINDER OF THE 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, August 14, 2025.

/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

NOTICE OF ELECTRONIC FILING

**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
14-AUG-2025
10:10 AM
Dkt. 1146 NEF**

An electronic filing was submitted in Case Number 1CTR-23-0000142. You may review the filing through the Judiciary Electronic Filing System. Please monitor your email for future notifications.

Case ID: 1CTR-23-0000142

Title: In the Matter of the Kalima Class Action Settlement Trust, Dated June 23, 2023

Filing Date / Time: THURSDAY, AUGUST 14, 2025 10:10:26 AM

Filing Parties: Scott Suzuki

Case Type: Trust

Lead Document(s): 1145-Petition for ____

Supporting Document(s):

Document Name: 1145-Petition for Instructions #23; Exhibits "A"-H"

If the filing noted above includes a document, this Notice of Electronic Filing is service of the document under the Hawai'i Electronic Filing and Service Rules.

This notification is being electronically mailed to:

Jessica Ann Daye (jad@hawaiidayelaw.com)

First Circuit Court 5th Division (5thdivision.1cc@courts.hawaii.gov)

Scott C. Suzuki (suzukiaalJEFS@gmail.com)

Emily H. Kawashima (emily@kawashimalaw.com)

The following parties need to be conventionally served:

Noreen Pine

Patricia L. P. Martin

Kalima et al. v. State of Hawaii et al, (Civil No. 99-4771-1

This filing type incurs a fee of \$100.00. You must pay by credit card or in person.

SCOTT C. SUZUKI, ATTORNEY AT LAW

SCOTT C. SUZUKI #8181
NICOLE C. EDWARDS-MASUDA #10287
1018 Kemole Lane
Honolulu, Hawaii 96826
Telephone: (808) 983-3850
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**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
04-SEP-2025
04:03 PM
Dkt. 1181 OSTPH**

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)

AMENDED ORDER SETTING DATE, TIME
AND PLACE OF HEARING ON PETITION
FOR INSTRUCTIONS #23

OLD HEARING:

DATE: October 3, 2025
TIME: 10:00 a.m.
JUDGE: Hon. Jeannette H.
Castagnetti

NEW HEARING:

DATE: October 17, 2025
TIME: 10:00 a.m.
JUDGE: Hon. Jeannette H.
Castagnetti

AMENDED ORDER SETTING DATE, TIME AND PLACE
OF HEARING ON PETITION FOR INSTRUCTIONS #23

The PETITION FOR INSTRUCTIONS #23 having been filed on
August 14, 2025, and good cause appearing therefor,

IT IS HEREBY ORDERED THAT the date, time and place for
hearing said Petition shall be Friday, October 17, 2025, 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.

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, September 4, 2025



/s/ R. Campos

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; AMENDED ORDER SETTING DATE, TIME AND PLACE OF HEARING ON PETITION FOR INSTRUCTIONS #23.

NOTICE OF ELECTRONIC FILING

**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
04-SEP-2025
04:03 PM
Dkt. 1182 NEF**

An electronic filing was submitted in Case Number 1CTR-23-0000142. You may review the filing through the Judiciary Electronic Filing System. Please monitor your email for future notifications.

Case ID: 1CTR-23-0000142

Title: In the Matter of the Kalima Class Action Settlement Trust, Dated June 23, 2023

Filing Date / Time: THURSDAY, SEPTEMBER 4, 2025 04:03:18 PM

Filing Parties: Scott Suzuki

Case Type: Trust

Lead Document(s):

Supporting Document(s): 1181-Order Set Date Time Hrg/Pet

Document Name: 1181-Amended Order Setting Date, Time and Place of Hearing on Petition for Instructions #23

If the filing noted above includes a document, this Notice of Electronic Filing is service of the document under the Hawai'i Electronic Filing and Service Rules.

This notification is being electronically mailed to:

Jessica Ann Daye (jad@hawaiidayelaw.com)

First Circuit Court 5th Division (5thdivision.1cc@courts.hawaii.gov)

Scott C. Suzuki (suzukiaaJEFS@gmail.com)

Emily H. Kawashima (emily@kawashimalaw.com)

The following parties need to be conventionally served:

Noreen Pine

Patricia L. P. Martin

Kalima et al. v. State of Hawaii et al, (Civil No. 99-4771-1

