

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 #8 by Scott C. Suzuki,  
Esq., Probate Special Counsel, whose address is 1013 Poha 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](http://www.kalima-lawsuit.com), specifically relating to:

HARRY HAI CHO KANEKOA, Deceased

ALOHA M. RUDDLE, Deceased

NORMAN DUKE KAPUNIAI, Deceased

KEITH KULA KAUWE SR., Deceased

WILFRED ANTONE LOPES SR., Deceased

HERMAN LORENZO, Deceased

ANNIE STEVENS MITCHELL, Deceased

MARY RUTH TEIXEIRA NG, Deceased

ALICE LEILANI NICOLA, Deceased

JAMES K. PUNI, Deceased

CHARLES DAVIS ROY, Deceased

VIOLET FILOMENO SANTOS, Deceased

MERRIWELL KELII TAU`A, Deceased

WILHELM LEIOHU WAGNER SR., Deceased

CHARLES KAWAHI WAHINEHOOKAE, Deceased

HELEN K. AVEIRO, Deceased

GAIL HAUNANI KEOMAKA, Deceased

MARY ANN KEAHI KEOMAKA, Deceased

JOSEPHINE MILILANI KON, Deceased

MARK K. ADAMS, Deceased

The date, time and place for hearing said Petition shall be Friday, August 23, 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 party's own expense.

DATED: Honolulu, Hawaii, MAY 16 2024.

**L.A. O'BOYLE**

\_\_\_\_\_  
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  
1013 Poha Lane  
Honolulu, Hawaii 96826  
Telephone: (808) 983-3850  
Facsimile: (808) 983-3851

**Electronically Filed  
FIRST CIRCUIT  
1CTR-23-0000142  
13-MAY-2024  
10:41 AM  
Dkt. 217 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 #8

OLD HEARING:

DATE: August 2, 2024  
TIME: 10:00 a.m.  
JUDGE: Hon. Jeannette H.  
Castagnetti

NEW HEARING:

DATE: August 23, 2024  
TIME: 10:00 a.m.  
JUDGE: Hon. Jeannette H.  
Castagnetti

AMENDED ORDER SETTING DATE, TIME AND PLACE  
OF HEARING ON PETITION FOR INSTRUCTIONS #8

The PETITION FOR INSTRUCTIONS #8 having been filed on  
April 30, 2024 and good cause appearing therefor,

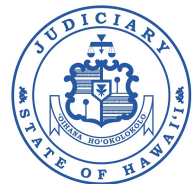
IT IS HEREBY ORDERED THAT the date, time and place for  
hearing said Petition shall be Friday,  
August 23, 2024, at 10:00 a.m. in the courtroom of

the Judge of the above-entitled Court who shall be sitting in probate, in Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawaii 96813.

That Petitioner give notice of the hearing by email, via the website [www.kalima-lawsuit.com](http://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, May 13, 2024



/s/ R. Campos  
Clerk of the Above-Entitled Court

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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 #8.

**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

**Electronically Filed  
FIRST CIRCUIT  
1CTR-23-0000142  
30-APR-2024  
08:45 AM  
Dkt. 186 PET**

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 #8;  
EXHIBITS "A" - "K"

HEARING:

DATE: \_\_\_\_\_

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.  
Castagnetti

PETITION FOR INSTRUCTIONS #8

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

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<sup>1</sup> 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](http://kalima-lawsuit.com).<sup>2</sup>

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

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<sup>2</sup> 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) **HARRY HAI CHO KANEKOA**  
(Date of Death: February 15, 2017)  
(Place of Death: Ewa Beach, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**HARRISON KANEKOA**  
2737 Booth Road, Apt. E  
Honolulu, Hawaii 96813

**HERVEY KANEKO**  
1774 Halekoa Drive  
Honolulu, Hawaii 96821

**CLAUDIA MOMI SUGAI**  
3054 Ala Poha Place, Apt. 1101  
Honolulu, Hawaii 96818

**KIMBERLYN HERBERT**  
P.O. Box 7267  
Spokane, Washington 99207

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

The deceased class member left a Last Will, but it has not been admitted to probate. The Last Will is a pour-over will, devising the entire estate to the Harry H.C. Kanekoa Trust dated May 27, 1993. The Trustee of said Trust is **CLAUDIA M. GOMES** (now known as **CLAUDIA M. SUGAI**). True and correct copies of the Last Will and Short Form Trust are collectively attached hereto as **Exhibit "A"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **CLAUDIA M. SUGAI, Trustee of the Harry H.C. Kanekoa Trust dated May 27, 1993.**



(B) **ALOHA M. RUDDLE**  
(Date of Death: December 2, 2015)  
(Place of Death: Kailua-Kona, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**CHARLES TIMOTHY LANAKILA RUDDLE** (Pre-Deceased)  
Date of Death: June 8, 1980

(Verified by Certificate of Death filed under seal  
herein)

**HARRY S. RUDDLE** (Pre-Deceased)  
Date of Death: September 6, 2008

(Verified by obituary published online by Legacy.com)

**LEILANI NISHIYAMA**  
1781 Kinoole Street  
Hilo, Hawaii 96720

**REGINALD G. RUDDLE**  
68-3516 E Makuahine Street  
Waikoloa, Hawaii 96738

**ELEANOR A. KUNITAKE**  
P.O. Box 572  
Holualoa, Hawaii 96725

**ROBERTA L. JAQUES**  
78-6824 Makena Wai Street  
Kailua-Kona, Hawaii 96740

(3) **OTHER INTESTATE HEIRS:**

**CELINA ULULANI LARSON** (Descendant of **CHARLES TIMOTHY LANAKILA RUDDLE**)  
324 Jeffrey Drive  
Sandpoint, Idaho 83864

**SPENCER RUDDLE** (Descendant of **HARRY S. RUDDLE**)  
101 Aupuni Street Apt. 909  
Hilo, Hawaii 96720

- (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:

- LEILANI NISHIYAMA - ONE-SIXTH (1/6)**
- REGINALD G. RUDDLE - ONE-SIXTH (1/6)**
- ELEANOR A. KUNITAKE - ONE-SIXTH (1/6)**
- ROBERTA L. JAQUES - ONE-SIXTH (1/6)**
- CELINA ULULANI LARSON - ONE-SIXTH (1/6)**
- SPENCER RUDDLE - ONE-SIXTH (1/6)**

- (C) **NORMAN DUKE KAPUNIAI**  
**(Date of Death: May 8, 2012)**  
**(Place of Death: Kamuela, Hawaii)**

- (1) **SURVIVING SPOUSE:**

**MARION KANANI ANDERSON KAPUNIAI**  
P.O. Box 6753  
Kamuela, Hawaii 96743

- (2) **CHILDREN:**

**DUKE T. KAPUNIAI**  
P.O. Box 6930  
Kamuela, Hawaii 96743

**BRAD P. KAPUNIAI**  
P.O. Box 6753  
Kamuela, Hawaii 96743

**LILIA K. KAPUNIAI**  
2316 Kaululaau Street  
Honolulu, Hawaii 96813

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

Petitioner has been informed that all of the deceased class member's descendants are also the descendants 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 distributed to his surviving spouse, **MARION KANANI ANDERSON KAPUNIAI.**

- (D) **KEITH KULA KAUWE SR.**  
(Date of Death: April 4, 2023)  
(Place of Death: Honolulu, Hawaii)

- (1) **SURVIVING SPOUSE:**

**WINONA L. KAUWE**  
41-043 Hihimanu Street  
Waimanalo, Hawaii 96795

**(2) CHILDREN:**

**KEITH KULA KAUWE, JR.**  
41-259 Kauholokahiki St.  
Waimanalo, Hawaii 96795

**KELCIE KAMALA MAKAIKE**  
983 Auwae Road  
Hilo, Hawaii 96720

**KANDYS KEALA ILI**  
623 Kinoole St.  
Hilo, Hawaii 96720

**KAULUOKALA KALE KAUWE**  
2481 Paniolo Drive  
Kalaheo, Hawaii 96741

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

**(4) PROBATE PROCEEDINGS: NONE**

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

The deceased class member left a Last Will, but it has not been admitted to probate. The Last Will is a pour-over will that directs distribution of the deceased class member's residuary estate to the Keith K. Kauwe Revocable Trust dated August 18, 2000, as amended. True and correct copies of the Last Will and First Amendment to and Complete Restatement of the Keith K. Kauwe Revocable Trust 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 **WINONA L. KAUWE, Trustee of the Keith K. Kauwe Revocable Trust dated August 19, 2000, as amended.**

(E) **WILFRED ANTONE LOPES SR.**  
(Date of Death: March 22, 2021)  
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:**

**CAROL L. LOPES**  
2427 Maunalaha Road  
Honolulu, Hawaii 96822

(2) **CHILDREN:**

**AGNES LOPES**  
2427 Maunalaha Road  
Honolulu, Hawaii 96822

**DAVID R. LOPES**  
2427 Maunalaha Road  
Honolulu, Hawaii 96822

**WILFRED A. LOPES, JR.**  
2427 Maunalaha Road  
Honolulu, Hawaii 96822

**CLIFFORD P. LOPES**  
2427 Maunalaha Road  
Honolulu, Hawaii 96822

**CAROLYN L. LOPES SHANE**  
2427 Maunalaha Road  
Honolulu, Hawaii 96822

**RONALD K. LOPES**  
2427 Maunalaha Road  
Honolulu, Hawaii 96822

**CINDY K. LOPES**  
2427 Maunalaha Road  
Honolulu, Hawaii 96822

**DARREN K. LOPES**  
2427 Maunalaha Road  
Honolulu, Hawaii 96822

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

(4) **PROBATE PROCEEDINGS:** NONE

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

The deceased class member left a Last Will, but it has not been admitted to probate. The Last Will is a pour-over will, which directs distribution of the deceased class member's residuary estate to the Lopes Family Trust dated December 24, 1993. True and correct copies of the deceased class member's last will and the Lopes Family Trust are collectively attached hereto as **Exhibit "C"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **CAROL L. LOPES, Trustee of the Lopes Family Trust dated December 24, 1993.**

(F) **HERMAN LORENZO**  
(Date of Death: February 3, 2019)  
(Place of Death: Ewa Beach, Hawaii)

(1) **SURVIVING SPOUSE:**

**DONNA M. LORENZO**  
c/o Kauanoekawanaao M.K. Fujinaka, Esq.  
3604 Waialae Avenue  
Honolulu, Hawaii 96816

(2) **CHILDREN:**

**SUZANNE WILLIAMS**  
54A Dorothy Avenue  
Woy Woy, New South Wales 2256  
Australia

**MELISSA SARAHINA**  
91-1147 Kai Kukuma Street  
Ewa Beach, Hawaii 96706

**HERMAN C.R. LORENZO**  
1415 W. Oak Street #420914  
Kissimmee, Florida 34741

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

(4) **PROBATE PROCEEDINGS:**

**DONNA M. LORENZO**, was appointed Personal Representative of the deceased class member's estate in Probate No. 1CLP-23-0000794, filed in the Circuit Court of the First Circuit, State of Hawaii. A true and correct copy of the Letters Testamentary appointing the Personal Representative is attached hereto as **Exhibit "D"**.

**(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". It appears from the probate record that the deceased class member's probate proceeding is still active.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **DONNA M. LORENZO, Personal Representative of the Estate of HERMAN LORENZO, Deceased.**

(G) **ANNIE STEVENS MITCHELL**  
**(Date of Death: January 22, 2001)**  
**(Place of Death: Kealahou, Hawaii)**

**(1) SURVIVING SPOUSE: NONE**

**(2) CHILDREN:**

**RONALD S. MITCHELL**  
P.O. Box 2627  
Kailua Kona, Hawaii 96745



**BEVERLY J. JORDON**  
P.O. Box 1362  
Deer Park, Washington 99006

- (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 the deceased class member's children in equal proportions to: **RONALD S. MITCHELL** and **BEVERLY J. JORDON**.

(H) **MARY RUTH TEIXEIRA NG**  
(Date of Death: May 1, 2020)  
(Place of Death: Honolulu, Hawaii)

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

**DARRYL F. NG**  
45-549 Kiani Street  
Kaneohe, Hawaii 96744

**NATHAN D. NG**  
45-314 Kulauli Street  
Kaneohe, Hawaii 96744

- (3) **OTHER INTESTATE HEIRS:** NONE
- (4) **PROBATE PROCEEDINGS:**

A probate for the deceased class member's estate was previously opened in the Circuit Court of the First Circuit, State of Hawaii as Probate No. 1CLP-20-0000463. Upon review of the probate record, it does not appear that Letters Testamentary were issued, although a Statement of Informal Probate of Will Without Administration was filed on August 12, 2020.

The sole devisee identified in the deceased class member's last will is the Mary T. Ng 2018 Trust. Because the deceased class member's will has been admitted to probate, the devisee under the will has vested and should be entitled to the deceased class member's estate. True and correct copies of the Statement of Informal Probate of Will Without Administration, the Last Will and Testament of Mary T. Ng, and the Short Form Trust Agreement of the Mary T. Ng 2018 Trust are collectively attached hereto as **Exhibit "E"**.

**(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 distributed to **DARRYL F. NG, Trustee of the Mary T. Ng 2018 Trust dated September 28, 2018, as amended**, as devisee under the Deceased class member's last will previously admitted to probate.

(I) **ALICE LEILANI NICOLA**  
(Date of Death: January 16, 2008)  
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:**

**CHAUNCEY C. NICOLA, JR.** (Post-Deceased)  
Date of Death: July 29, 2021

(Verified by Certificate of Death filed under seal herein)

(2) **CHILDREN:**

**ANGELINE L. ISHIHARA**  
**ALICE M. FREITAS**  
**CHAUNCEY C. NICOLA III**  
**CLARENCE K. NICOLA**  
c/o Gale L.F. Ching, Esq.  
212 Merchant Street, Suite 330  
Honolulu, Hawaii 96813

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

The deceased class member was survived by her spouse, **CHAUNCEY C. NICOLA, JR.**, who subsequently died. Had **CHAUNCEY C. NICOLA, JR.** survived to the completion of settlement, the settlement proceeds would be directed to his descendants. Petitioner has been informed that all of the deceased class member's descendants are also descendants of **CHAUNCEY C. NICOLA, JR.** It is Petitioner's understanding that **CHAUNCEY C. NICOLA, JR.** died intestate.

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 the deceased class member's surviving spouse's children: **ANGELINE L. ISHIHARA, ALICE M. FREITAS, CHAUNCEY C. NICOLA III, and CLARENCE K. NICOLA.**

- (J) **JAMES K. PUNI**  
**(Date of Death: May 31, 2010)**  
**(Place of Death: Kapaa, Hawaii)**

**(1) SURVIVING SPOUSE:**

**MARY ANN PUNI**  
3141 Unahe Street  
Lihue, Hawaii 96766

**(2) CHILDREN:**

**ALEXIE ANN M. PUNI**  
3141 Unahe Street  
Lihue, Hawaii 96766

**FRANKLIN K. PUNI**  
P.O. Box 568  
Kapaa, Hawaii 96746

**JAMIEANN K. PIKINI** (Pre-Deceased)  
Date of Death: February 17, 2006

(Verified by Certificate of Death filed under seal  
herein)

**MARY ANN M. PUNI**  
3141 Unahe Street  
Lihue, Hawaii 96766

**(3) OTHER INTESTATE HEIRS:**

**JARRAE TEHANI KEALII MANASAS** (Descendant of **JAMIEANN K. PIKINI**)  
73-1407 Ili Ili Place  
Kailua-Kona, Hawaii 96740

**(4) PROBATE PROCEEDINGS: NONE**

The deceased class member's surviving spouse and  
intestate heir, **MARY ANN PUNI**, has submitted an  
Affidavit for Collection of Personal Property of the

Decedent. A true and correct copy of said affidavit is attached hereto as Exhibit "F".

(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 the deceased class member's surviving spouse, **MARY ANN PUNI**.

(K) **CHARLES DAVIS ROY**  
(Date of Death: February 24, 2018)  
(Place of Death: Kealahou, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**JEFFERY D. ROY**  
74-5041 Kealahou Street  
Kailua-Kona, Hawaii 96740

**PATRICK C. ROY** (Pre-Deceased)  
Date of Death: February 4, 2017

(Verified by Certificate of Death filed under seal herein)

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

(4) **PROBATE PROCEEDINGS:** NONE

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

The deceased class member left a Last Will, but it has not been admitted to probate. The sole devisee of the deceased class member's residuary estate is **JEFFERY D. ROY**. A true and correct copy of the deceased class member's Last Will is 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 **JEFFERY D. ROY**.

(L) **VIOLET FILOMENO SANTOS**  
(Date of Death: December 10, 2016)  
(Place of Death: Wailuku, Hawaii)

**(1) SURVIVING SPOUSE:**

**HERBERT F. SANTOS** (Post-Deceased)  
Date of Death: May 19, 2020

(Verified by Certificate of Death filed under seal herein)

**(2) CHILDREN:**

**HERVINA L. AGUINALDO-SANTOS**  
670 N. Kei Place  
Kahului, Hawaii 96732

**HERBERT F. SANTOS, JR.**  
1032 S. Kihei Road #B-501  
Kihei, Hawaii 96753

**HERLYNN L. DOW**  
257 Hoohe Street  
Kihei, Hawaii 96753

**HERMIONE C.K. FERNANDEZ**  
91-1481 Kaieleele Street  
Ewa Beach, Hawaii 96706

**HERMAINE N. SOUZA**  
120 Alahela Place  
Kihei, Hawaii 96753

**CHRISTOPHER K. SANTOS**  
120 Alahela Place  
Kihei, Hawaii 96753

**CASANDRA KANEAKUA-ALANA**  
480 Kenolio Road #1-103  
Kihei, Hawaii 96753

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

The deceased class member left a Last Will, but it has not been admitted to probate. The deceased class member's Last Will is a pour-over will, which directs her residuary estate to the Herbert F. Santos, Sr. and Violet F. Santos Revocable Living Trust Agreement dated January 13, 1998. True and correct copies of the deceased class member's Last Will and the Short Form Trust of the Herbert F. Santos, Sr. and Violet F. Santos Revocable Living Trust Agreement 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 **HERVINA L. SANTOS, Trustee of the Herbert F. Santos, Sr. and Violet F. Santos Revocable Living Trust Agreement dated January 13, 1998.**

(M) **MERRIWELL KELII TAU`A**  
(Date of Death: February 10, 2023)  
(Place of Death: Spokane, Washington)

**(1) SURVIVING SPOUSE:**

**CHELSEA A. TAU`A**  
13222 E Cataldo Avenue  
Spokane Valley, Washington 99216

**(2) CHILDREN:**

**RAINEE GERARD**  
29 Kealaloha Avenue  
Makawao, Hawaii 96768

**WILLIAM CHARLES TAU`A**  
2444 Main Street  
Wailuku, Hawaii 96793

**B.K.T., A MINOR CHILD**  
c/o CHELSEA A. TAU`A, Mother  
13222 E Cataldo Avenue  
Spokane Valley, Washington 99216

**J.L.T., A MINOR CHILD**  
c/o CHELSEA A. TAU`A, Mother  
13222 E Cataldo Avenue  
Spokane Valley, Washington 99216

**D.K.T., A MINOR CHILD**  
c/o CHELSEA A. TAU'A, Mother  
13222 E Cataldo Avenue  
Spokane Valley, Washington 99216

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

**(4) PROBATE PROCEEDINGS: NONE**

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

The deceased class member left a Last Will, but it has not been admitted to probate. A true and correct copy of the deceased class member's Last Will is attached hereto as **Exhibit "I"**.

The deceased class member's Last Will leaves everything to his wife, **CHELSEA ANN TAU'A**, who has survived the deceased class member. On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **CHELSEA ANN TAU'A**.

(N) **WILHELM LEIOHU WAGNER SR.**  
**(Date of Death: February 10, 2012)**  
**(Place of Death: Waianae, Hawaii)**

**(1) SURVIVING SPOUSE:**

**GLORIA LEILANI WAGNER**  
87-163 Kaliikipi Street #5  
Waianae, Hawaii 96792

**(2) CHILDREN:**

**VANESSA P. PATCHO**

87-201 Lepeka Avenue A101  
Waianae, Hawaii 96792

**WILHELM L. WAGNER JR.**

87-1017 Kaiamekala Street  
Waianae, Hawaii 96792

**KIMBERLY I. WAGER KAAWA**

87-163 Keliikipi Street #5  
Waianae, Hawaii 96792

**EVANGELINE L. WAGNER**

87-163 Keliikipi Street #5  
Waianae, Hawaii 96792

**FREDERICK N. WAGNER III**

87-163 Keliikipi Street #5  
Waianae, Hawaii 96792

**LAWRENCE P. WAGNER**

2611 Dollison Avenue  
Las Vegas, Nevada 89081

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

**(4) PROBATE PROCEEDINGS: NONE**

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

Petitioner has been informed that at least one of the descendants of the deceased class member is not also a descendant of the deceased class member's surviving spouse. Given the value of the deceased class member's claim, as can be verified by the Probate Special Master,

distribution of the deceased class member's share of the settlement proceeds is subject to H.R.S. § 560:2-102.

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:

**GLORIA LEILANI WAGNER - First \$100,000, plus ONE-HALF (1/2) of the remaining balance**

**VANESSA P. PATCHO - ONE-TWELFTH (1/12) of balance**

**WILHELM L. WAGNER JR. - ONE-TWELFTH (1/12) of balance**

**KIMBERLY I. WAGER-KAAWA - ONE-TWELFTH (1/12) of balance**

**EVANGELINE L. WAGNER - ONE-TWELFTH (1/12) of balance**

**FREDERICK N. WAGNER III - ONE-TWELFTH (1/12) of balance**

**LAWRENCE P. WAGNER - ONE-TWELFTH (1/12) of balance**

(0) **CHARLES KAWAHI WAHINEHOOKAE**  
(Date of Death: November 19, 2010)  
(Place of Death: Wailuku, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**CHARLES WAHINEHOOKAE JR.**  
3003 Ala Ilima St. Apt. 302  
Honolulu, Hawaii 96818

**ANNA P. WAHINEHOOKAE**  
1660 E Colver Place  
Covina, California 91724

**NANCY WAHINEHOOKAE**  
3301 Kings Row  
Reno, Nevada 89503

**JOANN ISAACS**  
2034 Pahukui Street  
Honolulu, Hawaii 96819

**ALISON K. MONTERVON** (Pre-Deceased)  
Date of Death: April 13, 1980

(Verified by Certificate of Death filed under seal herein)

**NELSON K. WAHINEHOOKAE** (Pre-Deceased)  
Date of Death: December 24, 2002

(Verified by Certificate of Death filed under seal herein)

(No Descendants)

**(3) OTHER INTESTATE HEIRS:**

**DENNIS K. MONTERVON, JR.** (Descendant of **ALISON K. MONTERVON**) (Pre-Deceased)  
Date of Death: June 8, 1993

(Verified by Find-A-Grave.com)

(No Descendants)

**(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:

**CHARLES WAHINEHOOKAE JR. - ONE FOURTH (1/4)**

**ANNA WAHINEHOOKAE - ONE FOURTH (1/4)**

**NANCY WAHINEHOOKAE - ONE FOURTH (1/4)**

**JOANN ISAACS - ONE FOURTH (1/4)**

(P) **HELEN K. AVEIRO**  
(Date of Death: July 11, 2007)  
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**DOUGLAS H. AVEIRO SR.**  
45-587 Apuakea Street  
Kaneohe, Hawaii 96744

**ANTOINETTE L. LIANA**  
89-1110 Nanakuli Avenue  
Waianae, Hawaii 96792

**LOUIS AVEIRO JR.** (Pre-Deceased)  
Date of Death: October 5, 2001

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

**BETTYLOU ROSEHILL** (Post-Deceased)  
Date of Death: September 28, 2022

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

(3) **OTHER INTESTATE HEIRS:**

**SHANNON AVEIRO** (Descendant of **LOUIS AVEIRO JR.**)  
P.O. Box 6445  
Kamuela, Hawaii 96743

**SHANNETTE KALANIOPIO** (Descendant of **LOUIS AVEIRO JR.**)  
P.O. Box 6445  
Kamuela, Hawaii 96743

**SHAYNEE AVEIRO** (Descendant of **LOUIS AVEIRO JR.**)  
P.O. Box 6445  
Kamuela, Hawaii 96743

**HELEN ROSEHILL** (Descendant of **BETTYLOU ROSEHILL**)  
45-710 Wainaua Street  
Kaneohe, Hawaii 96744

**KANANI ROSEHILL** (Descendant of **BETTYLOU ROSEHILL**)  
45-710 Wainaua Street  
Kaneohe, Hawaii 96744

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

Upon the information available to Petitioner, Petitioner believes that the deceased class member died intestate. She was survived by three of her four children. The three surviving children, **DOUGLAS H. AVEIRO, SR., ANTOINETTE L. LIANA,** and **BETTYLOU ROSEHILL,** should each receive one-fourth of the settlement proceeds.

One of the three surviving children, **BETTYLOU ROSEHILL,** died after the deceased class member. Petitioner has not been able to identify probate proceedings, a surviving spouse or any additional information regarding **BETTYLOU ROSEHILL** and therefore believes that she died

intestate. Her intestate heirs are **HELEN ROSEHILL** and **KANANI ROSEHILL**, who should share her estate equally.

The final child of the deceased class member, **LOUIS AVEIRO JR.**, predeceased the deceased class member. His intestate share of the deceased class member's estate should be divided among his descendants by representation.

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:

**DOUGLAS H. AVEIRO SR. - 1/4**

**ANTOINETTE L. LIANA - 1/4**

**SHANNON AVEIRO - 1/12**

**SHANNETTE KALANIOPIO - 1/12**

**SHAYNEE AVEIRO - 1/12**

**HELEN ROSEHILL - 1/8**

**KANANI ROSEHILL - 1/8**

(Q) **GAIL HAUNANI KEOMAKA**  
(Date of Death: July 19, 2014)  
(Place of Death: Kealakekua, Hawaii)

(1) **SURVIVING SPOUSE: NONE**



(2) **CHILDREN:** NONE

(3) **OTHER INTESTATE HEIRS:**

**SAMUEL K. KEOMAKA** (Brother)  
12726 W. Wolfley Drive  
El Mirage, Arizona 85335

**MARY ANN K. KEOMAKA** (Sister) (Post-Deceased)  
Date of Death: March 19, 2022

(Verified by Certificate of Death filed under seal  
herein)

(No Spouse & No Descendants)

**DANIEL KEOMAKA JR.** (Brother)  
c/o Legacy Hilo Rehab & Nursing Center  
563 Kaumana Drive  
Hilo, Hawaii 96720

(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:

**SAMUEL K. KEOMAKA - ONE-HALF (1/2)**

**DANIEL KEOMAKA - ONE-HALF (1/2)**

**MARY ANN K. KEOMAKA - ONE-HALF (1/2)**

(R) **MARY ANN KEAHI KEOMAKA**  
(Date of Death: March 19, 2022)  
(Place of Death: Hilo, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:** NONE

(3) **OTHER INTESTATE HEIRS:**

**DANIEL K. KEOMAKA JR.** (Brother)  
c/o Legacy Hilo Rehab & Nursing Center  
563 Kaumana Drive  
Hilo, Hawaii 96720

**SAMUEL K. KEOMAKA** (Brother)  
12726 W. Wolfley Drive  
El Mirage, Arizona 85335

**GAIL HAUNANI KEOMAKA** (Sister) (Pre-Deceased)  
Date of Death: July 19, 2014

(Verified by Certificate of Death filed under seal  
herein)

(No Descendants)

(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:

**SAMUEL K. KEOMAKA - ONE-HALF (1/2)**

**DANIEL KEOMAKA - ONE-HALF (1/2)**

(S) **JOSEPHINE MILILANI KON**  
(Date of Death: May 22, 2013)  
(Place of Death: Wahiawa, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

**(2) CHILDREN:**

**SONYA M. WISE**

41-187 Huli Street  
Waimanalo, Hawaii 96795

**EDWINA H. KAMALI`I**

99-225 Aiea Heights Drive  
Aiea, Hawaii 96701

**WILLIAM C. KON**

927 Lolena Street  
Honolulu, Hawaii 96817

**JOYCELINN K. AH MAU**

91-1061 Kaupea Street  
Kapolei, Hawaii 96707

**WENDY K. KON**

87-198 Kaukamana Road A  
Waianae, Hawaii 96792

**MECHELL P. KON MAUGALEI**

87-128 Palakamana Street  
Waianae, Hawaii 96792

**RAYNETTE L. KALANI**

55 S. Kukui Street #DH915  
Honolulu, Hawaii 96813

**GINGER M. CARTWRIGHT**

1904 A Eames Street  
Wahiawa, Hawaii 96786

**SAMUEL KON, JR.** (Pre-deceased)

Date of Death: July 17, 2009

(Verified by obituary published online by Legacy.com)

(No Descendants)<sup>3</sup>

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<sup>3</sup> Petitioner notes that the obituary for Samuel Kon, Jr. reflects that he was survived by three children. Notwithstanding the information in the obituary, Petitioner defers to the pleadings filed in the deceased class member's probate, which state that Samuel Kon, Jr. did not have any children (see Petition for Adjudication of Intestacy and Appointment of Personal Representative, filed herein).

**(3) OTHER INTESTATE HEIRS:**

**LINDA JANE K. KON** (Granddaughter & Personal Representative)  
c/o Na'unanikina'u A. Kamali'i, Esq.  
121 Merchant Street, Suite 330  
Honolulu, Hawaii 96813

**(4) PROBATE PROCEEDINGS:**

**LINDA JANE K. KON** was appointed Personal Representative of the deceased class member's estate in Probate No. 1CLP-23-0000459. The Letters of Administration note that the "Personal Representative has no right to possess estate assets as provided in Section 560:3-709 beyond that necessary to confirm title thereto in the successors to the Estate." Petitioner notes that the reference to Section 560:3-709 may be misplaced, as that statute had been superseded by Act 158 as of June 29, 2023. True and correct copies of the Petition for Adjudication of Intestacy and Appointment of Personal Representative, Order Granting Petition for Adjudication of Intestacy and Appointment of Personal Representative, and Letters of Administration are collectively attached hereto as Exhibit "J".

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

On the basis of the foregoing, and to be consistent with the restrictions of power imposed upon the Personal Representative, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed in the following proportions:

**SONYA M. WISE - ONE-EIGHTH (1/8)**

**EDWINA H. KAMALII - ONE-EIGHTH (1/8)**

**WILLIAM C. KON - ONE-EIGHTH (1/8)**

**JOYCELINN K. AH MAU - ONE-EIGHTH (1/8)**

**WENDY K. KON - ONE-EIGHTH (1/8)**

**MECHELL P. KON MAUGALEI - ONE-EIGHTH (1/8)**

**RAYNETTE L. KALANI - ONE-EIGHTH (1/8)**

**GINGER M. CARTWRIGHT - ONE-EIGHTH (1/8)**

(T) **MARK K. ADAMS**

(Date of Death: April 5, 2022)

(Place of Death: Wailuku, Hawaii)

(1) **SURVIVING SPOUSE:**

**JONI A. ADAMS**

2 Kuu One Hanau Way  
Wailuku, Hawaii 96793

(2) **CHILDREN:**

**BRIANNA K. COLLO**

2 Kuu One Hanau Way  
Wailuku, Hawaii 96793

**TAUREN K. ADAMS**

2 Kuu One Hanau Way  
Wailuku, Hawaii 96793

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

(4) **PROBATE PROCEEDINGS:** NONE

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

The deceased class member left a Last Will, but it has not been admitted to probate. A true and correct copy of the Last Will is attached hereto as Exhibit "K".

The Last Will appears to have been executed properly and valid as a testamentary instrument. Pursuant to Article Four, Section 4 of the Decedent's Last Will, the deceased class member's estate is to be distributed to the surviving spouse, **JONI A. ADAMS**. On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **JONI A. ADAMS**.

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, April 30, 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