

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 #14 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, specifically relating to:

LILLY L. WILSON LINDSEY, Deceased
JOHN A.K. PUNUA, Deceased
DONALD PUANAALA KAOPUIKI, Deceased
GEORGE PAUL MILLES, Deceased
JOSEPH KAHAKU KEALOHA, Deceased
CARRIE KAIA PALI PANG, Deceased
LIVE M. NIHEU, Deceased
FRANCIS H. NIHOA, Deceased
ARTESHA K. WOODWORTH K'OLMOS, Deceased
FLORA LEIOMALAMA DESHA BEAMER SOLOMON, Deceased
ELIZABETH P.K. KELIIHOLOKAI, Deceased
FRANCOIS GREENE WALLACE, Deceased
WILLIAM K. SPENCER, Deceased
MARY KAEKAE SPENCER, Deceased
WESLEY KUULEIIPUIAIKEALAONAONA SPENCER, Deceased
ENOCH KEKUIOKALANI SPENCER JR., Deceased
JAMES KELEHUA KEKUEWA, Deceased
ANNETTE LEIMOMI LEAR, Deceased
HENRIETTA LEILANI ORTA, Deceased
GLADYS K. MINCHEW, Deceased
SOLOMON KALUAOPAHA MAKALENA, Deceased
MARY KUULEIALOHAPOINAOLEKEONAONA PAI MACHADO, Deceased
HANSEL P. KANE, Deceased
RUBY KEAPOLANI PRUNESTI, Deceased
RODNEY PUPUHI, Deceased
JAMES KAIPOLAUEA REYES, Deceased

JOANNA MAUI RAMOS, Deceased
JOHN KOLII KEKAUOHA JR., Deceased
LILLIAN LAAHIWA KELLY, Deceased
JOHN WILLIAM MOKULEHUA, Deceased

The date, time and place for hearing said Petition shall be Friday, DEC 06 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, OCT 10 2024.

R. CAMPOS

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
04-OCT-2024
02:37 PM
Dkt. 574 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 #14;
EXHIBITS "A" - "O"

HEARING:

DATE: _____

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

PETITION FOR INSTRUCTIONS #14

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 in the proceeds of the settlement funds

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.

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 fulfillment 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) **LILLY L. WILSON LINDSEY**
(Date of Death: February 3, 1985)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

ELIZABETH K. LINDSEY CROWLEY
5425 Wisconsin Avenue, Suite 600
Chevy Chase, Maryland 20815

SARAH ANN I. LINDSEY
360 Kauila Street, Apt. 209
Hilo, Hawaii 96720

LINDA LEILANI K. LINDSEY KAAPUNI
1526 Waianuenue Avenue
Hilo, Hawaii 96720

FRANK K. KALAMA, JR. (Post-Deceased)
Date of Death: January 3, 2008

(Verified by obituary published online by Legacy.com)

No known probate proceedings.

Survived by:

GLADYS KALAMA (Spouse) (Deceased)
Date of Death: May 4, 2024

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by Descendants:

CLAIR LEIMOMI CUMMINGS
55-525 Moana Street
Laie, Hawaii 96762

FRANK K. KALAMA IV
55-421 Naniloa Loop
Laie, Hawaii 96762

ROXANE K. LATU
690 E. 355 N.
Vineyard, Utah 84059

ROBERT CLAY K. KALAMA
2289 Kapahu Street
Honolulu, Hawaii 96813

- (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 her descendants by way of her intestacy. One of the deceased class member's children, **FRANK K. KALAMA, JR.**, has subsequently passed away. He is also believed to be intestate, survived by his spouse, **GLADYS KALAMA**, and their own descendants. As **GLADYS KALAMA** would be the sole intestate heir of **FRANK K. KALAMA, JR.**, her estate would further govern that share of the settlement proceeds.

GLADYS KALAMA left a Last Will and Testament dated June 27, 2017, which appears to be executed as a valid testamentary instrument. Said Last Will pours-over to the Gladys M. Kalama Revocable Trust dated June 27, 2017. It appears that **FRANK KUMUKOA KALAMA, IV** and **CLAIR LEIMOMI CUMMINGS** are the Co-Trustees of said Trust. True and correct copies of said Last Will and 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 in the following proportions:

ELIZABETH J. LINDSEY-CROWLEY - ONE-FOURTH (1/4)
SARAH ANN I. LINDSEY - ONE-FOURTH (1/4)
LINDA LEILANI K. LINDSEY KAAPUNI - ONE-FOURTH (1/4)
FRANK KUMUKOA KALAMA, IV and CLAIR LEIMOMI CUMMINGS, Co-Trustees of the Gladys M. Kalama Revocable Trust dated June 27, 2017, to be administered in accordance with said Trust - ONE-FOURTH (1/4)

(B) **JOHN A.K. PUNUA**
(Date of Death: August 23, 2022)
(Place of Death: Lihue, Hawaii)

(1) **SURVIVING SPOUSE: NONE**

(2) **CHILDREN:**

HERENUI PUNUA
P.O. Box 4006
Lihue, Hawaii 96766

(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 **HERENUI PUNUA**.

(C) **DONALD PUANAALA KAOPUIKI**
(Date of Death: January 24, 2022)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

ELAINE KAOPUIKI
2459 10th Avenue
Honolulu, Hawaii 96816

(2) CHILDREN:

BRENDA AKANA (Pre-Deceased)
Date of Death: October 18, 2019

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

DEREK AKANA (Spouse)
c/o Leahi Hospital
3675 Kilauea Avenue
Honolulu, Hawaii 96816

IKAIKA AKANA (Descendant)
85-175 Farrington Highway, Apt. C324
Waianae, Hawaii 96792

KAINOA AKANA (Descendant)
86-312 Hokupaa Street
Waianae, Hawaii 96792

KELIIKAHALOA AKANA (Descendant)
86-224 Pokaiikena Way
Waianae, Hawaii 96792

SUNNY PAALUHI (Descendant)
84-574 Ala Mahiku Street, Apt. 44C
Waianae, Hawaii 96792

DONALD KAOPUIKI JR. (Pre-Deceased)
Date of Death: March 16, 1996

(Verified by Certificate of Death filed under seal
herein)

Survived by:

AUDREY KAOPUIKI (Spouse)
18 Hoomoku Loop
Kahului, Hawaii 96732

LEILANI KAOPUIKI (Descendant)
18 Hoomoku Loop
Kahului, Hawaii 96732

PUANAALA AMANO (Descendant)
18 Hoomoku Loop
Kahului, Hawaii 96732

ERNALEI TAMBURI
1022 Wakea Street
Kapolei, Hawaii 96707

BERNARD KAOPUIKI
c/o William E. Paupe, Jr.
46-001 Kamehameha Highway #215
Kaneohe, Hawaii 96744

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

(4) **PROBATE PROCEEDINGS:**

BERNARD ALLAN HALUALANI KAOPUIKI was informally appointed as Personal Representative of the Deceased class member's estate in Probate No. 1CLP-23-0000389, filed in the Circuit Court of the First Circuit, State of Hawaii. A true and correct copy of the Letters Testamentary issued to **BERNARD ALLAN HALUALANI KAOPUIKI** is attached hereto as Exhibit "B".

(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 **BERNARD ALLAN HALUALANI KAOPUIKI, Personal Representative of the Estate of Donald Punaala Kaopuiki.**

(D) **GEORGE PAUL MILLES**
(Date of Death: August 16, 2020)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:**

MURLE MAYLING MILLES (Post-Deceased)
Date of Death: February 26, 2021

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by children named below.

(2) **CHILDREN:**

CONSTANTINE I. NIGHTINGDALE
98-500 #2 Kaonohi Street
Aiea, Hawaii 96701

MARC L. MILLES
1347 Kukila Street
Honolulu, Hawaii 96818

GEORGE C. MILLES
5382 El Nevero Street
Las Vegas, Nevada 89166

BRUCE LANE FARR MILLES (Pre-Deceased)
Date of Death: September 9, 2008

(Verified by Certificate of Death filed under seal herein)

Probate was opened for the Estate of **BRUCE LANE FARR MILLES** in Probate No. 3LP081000288 in the Circuit Court of the Third Circuit, State of Hawaii. Letters of Administration were issued to **MURLE M. MILLES** on or about October 29, 2008. Said Letters expired on or about October 29, 2011 and upon Petitioner's review of the probate record, it does not appear that administration of the Estate of **BRUCE LANE FARR MILLES** was completed. A true and correct copy of the Letters of Administration is attached hereto as Exhibit "C".

Survived by:

GEORGE PAUL MILLES (Post-Deceased Father)
(See Above)

MURLE MAYLING MILLES (Post-Deceased Mother)
(See Above)

CONSTANTINE I. NIGHTINGDALE (Brother)
98-500 #2 Kaonohi Street
Aiea, Hawaii 96701

MARC L. MILLES (Brother)
1347 Kukila Street
Honolulu, Hawaii 96818

GEORGE C. MILLES (Brother)
5382 El Nevero Street
Las Vegas, Nevada 89166

- (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 13, 2019. Said Last Will appears to have been validly executed as a testamentary instrument. The Last Will pours the deceased class member's residuary estate to

the George P. Milles Revocable Trust dated September 9, 2010, as amended by Restatement dated September 9, 2015, and Restatement dated June 13, 2019. Petitioner is informed that the trustee of said trust is **CONSTANTINE I. NIGHTINGDALE**. True and correct copies of said Last Will and the George P. Milles Revocable Trust 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 **CONSTANTINE I. NIGHTINGDALE, Trustee of the George P. Milles Revocable Trust dated September 9, 2010, as amended.**

(E) **JOSEPH KAHAKU KEALOHA**
(Date of Death: June 29, 2021)
(Place of Death: Hilo, Hawaii)

(1) **SURVIVING SPOUSE:**

TAMMY MOMILANI KEALOHA
P.O. Box 1611
Kamuela, Hawaii 96743

(2) **CHILDREN:** NONE

(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. Said Last Will appears to have been validly executed as a testamentary instrument and devises the entire estate to the surviving spouse, **TAMI MOMILANI KEALOHA**. Said Last Will is 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 distributed to **TAMMY MOMILANI KEALOHA**.

(F) **CARRIE KAIA PALI PANG**
(Date of Death: April 29, 2011)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:**

HERBERT YIT HOY PANG (Post-Deceased)
Date of Death: December 8, 2013

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by **DOUGLASS PANG** and children named below in (2):

DOUGLASS PANG
12161 W. Kristina Lane
Tucson, Arizona 85735

(2) **CHILDREN:**

NATHAN W. PANG
47-116 Kamehameha Highway
Kaneohe, Hawaii 96744

GALE PANG-MIRANDA
5122 Likini Street #206
Honolulu, Hawaii 96818

KEITH PANG (Post-Deceased)
(Date of Death: December 23, 2023)

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

No spouse or descendants.

WINSTON PANG (Pre-Deceased)
Date of Death: August 8, 2009

(Verified by obituary published online by Legacy.com)

No Known Probate Proceedings

Survived by:

STACIA PANG (Spouse)
532 Kuanana Street
Paia, Hawaii 96779

CODY PANG (Descendant)
532 Kuanana Street
Paia, Hawaii 96779

STACY PANG (Descendant)
17 Kaweo Place
Kula, Hawaii 96790

- (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. Said Last Will was executed on or about October 5, 2010, and appears to be valid as a testamentary instrument. The Last Will devises the residuary estate to the Trustee of the H. & C. Pang Irrevocable Trust dated October 5, 2010. A Certificate of Trust dated October 5, 2010 designates **NATHAN WAI MUM PANG** as Trustee. True and correct copies of the Last Will and Certificate of Trust are collectively attached hereto as **Exhibit "F"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **NATHAN WAI MUM PANG, Trustee of the H. & C. Pang Irrevocable Trust dated October 5, 2010.**

(G) **LIVE M. NIHEU**
(Date of Death: September 25, 2005)
(Place of Death: Waimea, Hawaii)

(1) SURVIVING SPOUSE:

REBECCA K. NIHEU (Post-Deceased)
Date of Death: April 5, 2011

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

No known probate proceedings.

Survived by children named below.

(2) CHILDREN:

MIRIAM L. CHAVIES
2102 70th Avenue
Greeley, Colorado 80634

RUTH N. NIZO
P.O. Box 244
Kekaha, Hawaii 96752

PAMELA L. KAMAKELE
P.O. Box 805
Waimea, Hawaii 96796

CLAIRE L. NIHEU
P.O. Box 98
Hanapepe, Hawaii 96716

MARILYN K. NIHE
P.O. Box 690076
Makaweli, Hawaii 96769

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

Petitioner is informed that all of the deceased class member's children are also 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 distributed in the following proportions:

MIRIAM L. CHAVIES - ONE-FIFTH (1/5)
RUTH N. NIZO - ONE-FIFTH (1/5)
PAMELA L. KAMAKELE - ONE-FIFTH (1/5)

CLAIRE L. NIHEU - ONE-FIFTH (1/5)
MARILYN K. NIHE - ONE-FIFTH (1/5)

(H) **FRANCIS H. NIHOA**
(Date of Death: April 30, 1998)
(Place of Death: Reno, Nevada)

(1) SURVIVING SPOUSE:

BERNICE NIHOA (Post-Deceased)
Date of Death: November 28, 2015

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by the children named below.

(2) CHILDREN:

IRIS A. NIHOA
43450 Ames Creek Road
Sweet Home, Oregon 97386

AUDREY L. CAMPBELL
1066 Breckenridge Drive
Fallon, Nevada 89406

LAURA N. NIHOA
1066 Breckenridge Drive
Fallon, Nevada 89406

DAVID K. NIHOA (Post-Deceased)
Date of Death: October 20, 2021

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

CARYN NIHOA (Spouse)
7744 Doi Dicutta Street
Fallon, Nevada 89406

JORDAN N. NIHOA (Descendant)
7500 Bear Paw Court
Fallon, Nevada 89406

SAMANTHA LEHUA NIHOA (Descendant) (Deceased)
Date of Death: October 4, 2021

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

No spouse or descendants.

ERMERT K. NIHOA III (Post-Deceased)
Date of Death: March 13, 2020

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

DUKE ANDREW BURNS (Spouse)
5200 SE 132nd Ave. #5
Portland, Oregon 97236

No descendants.

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

Petitioner is informed that all of the deceased class member's children are also the children of his surviving spouse, **BERNICE NIHOA**. Petitioner believes, therefore, that the deceased class member's settlement proceeds

would have been distributable to **BERNICE NIHOA**, who subsequently died.

BERNICE NIHOA is believed to be intestate. She was survived by all of her children, who would be entitled to an equal share of the settlement proceeds through intestate succession. Two (2) of these children, **ERMERT K. NIHOA** and **DAVID K. NIHOA**, have subsequently died.

ERMERT K. NIHOA III left a Last Will and Testament dated February 17, 2015, a true and correct copy of which is attached hereto as **Exhibit "G"**. The residuary clause of said Last Will leaves the estate to his spouse and intestate heir, **DUKE ANDREW BURNS**.

DAVID K. NIHOA died intestate, survived by a spouse and two children. Petitioner is informed that one of his children, **SAMANTHA LEHUA NIHOA**, is his child from a previous relationship. Given the value of the settlement funds to which the deceased class member is allocated, **DAVID K. NIHOA's** surviving spouse, **CARYN NIHOA**, should be entitled to the full amount to which **DAVID K. NIHOA** would be able to claim.

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:

IRIS A. NIHOA - ONE-FIFTH (1/5)
DUKE ANDREW BURNS - ONE-FIFTH (1/5)
AUDREY L. CAMPBELL - ONE-FIFTH (1/5)
LAURA N. NIHOA - ONE-FIFTH (1/5)
CARYN NIHOA - ONE-FIFTH (1/5)

(I) **ARTESHA K. WOODWORTH K'OLMOS (also known as ALBERTA K. OLMOS)**
(Date of Death: January 15, 2020)
(Place of Death: Aiea, Hawaii)

(1) SURVIVING SPOUSE:

KENNETH CHING, JR.
85-847 Farrington Highway
Waianae, Hawaii 96792

(2) CHILDREN:

JERRICK KAANOI
2007 Kalihi Street, Unit B
Honolulu, Hawaii 96819

JERREND KAANOI (Pre-Deceased)
Date of Death: July 7, 2012

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived By:

K.K.K., a Minor Child (Descendant)
c/o Nyrie Ishitani, Mother
85-444 Pulapula Place
Waianae, Hawaii 96792

No spouse.

- (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 are not also the children of her 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 in the following proportions:

KENNETH CHING, JR. - \$100,000, plus one-half balance
JERRICK KAANOI - One-Quarter Balance
K.K.K., A MINOR CHILD: - One-Quarter Balance

- (J) **FLORA LEIOMALAMA DESHA BEAMER SOLOMON**
(Date of Death: February 8, 2019)
(Place of Death: Kamuela, Hawaii)

- (1) **SURVIVING SPOUSE:**

RANDOLPH FOLAU SOLOMON (Post-Deceased)
Date of Death: July 12, 2024

(Verified by obituary published online by Dodo Mortuary, Inc. & Crematory)

No known probate proceedings.

Survived by children named below (with exception of pre-deceased son, **RANDOLPH F. SOLOMON JR.**).

- (2) **CHILDREN:**

ALICE L. SOLOMON
P.O. Box 370
Kamuela, Hawaii 96743

HULALI SOLOMON COVINGTON
P.O. Box 1319
Kamuela, Hawaii 96743

RANDOLPH F. SOLOMON JR. (Pre-Deceased)
Date of Death: September 29, 1973

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by:

RANDOLPH F. SOLOMON III (Descendant)
P.O. Box 53
Kapaa, Hawaii 96755

No spouse.

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

Petitioner has been informed that neither the deceased class member, nor the deceased class member's spouse, had wills. However, Petitioner is also informed that the deceased class member's surviving spouse established the Randolph F. Solomon Revocable Living Trust dated December 15, 1994. Petitioner has not been provided with information relating to a trust for the deceased class member. Petitioner is also unable to examine any

mechanism for the funding of any trust from the deceased class member's estate.

Petitioner therefore believes that the deceased class member was intestate. The deceased class member's share of the settlement proceeds would be distributed to her surviving spouse via intestate succession. Since the deceased class member's surviving spouse was also intestate, the settlement proceeds would further be distributed to his intestate heirs.

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:

ALICE L. SOLOMON - ONE-THIRD (1/3)
HULALI SOLOMON COVINGTON - ONE-THIRD (1/3)
RANDOLPH F. SOLOMON III - ONE-THIRD (1/3)

(K) **ELIZABETH P.K. KELIIHOLOKAI**
(Date of Death: February 7, 2011)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

FRANCIS ALOHIKEA KELIIHOLOKAI
85-1274 Kumaipo Street
Waianae, Hawaii 96792

(2) CHILDREN:

RICHARD F. GALINDO
85-1274 Kumaipo Street
Waianae, Hawaii 96792

RONALD E. GALINDO
427 Launiu Street
Honolulu, Hawaii 96815

JACIE S. KELIIHOLOKAI
85-1274 Kumaipo 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, and considering the estimated value of the settlement proceeds, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to the surviving spouse, **FRANCIS ALOHIKEA KELIIHOLOKAI**.

(L) **FRANCOIS GREENE WALLACE**
(Date of Death: August 18, 2005)
(Place of Death: Kailua, Hawaii)

- (1) **SURVIVING SPOUSE:**

JEAN ARLENE WALLACE
41-1363 Wakaloa Street
Waimanalo, Hawaii 96795

- (2) **CHILDREN:**

RENEE K. WALLACE SILBERSTEIN
41-1363 Waikalua Street
Waimanalo, Hawaii 96795

(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. Said Last Will appears to have been validly executed as a testamentary instrument. The sole residuary devisee in said Last Will is the **Francois Green Wallace Revocable Living Trust dated September 20, 2001, of which JEAN ARLENE WALLACE is the designated successor Trustee.** Said Last Will and the Francois Greene Wallace Revocable Living 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 **JEAN ARLENE WALLACE, Trustee of the Francois Green Wallace Revocable Living Trust dated September 20, 2001.**

(M) **WILLIAM K. SPENCER**
(Date of Death: September 18, 1997)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:**

MARY KAEKAE SPENCER (Post-Deceased)
Date of Death: June 7, 2007

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by children named below.

(2) CHILDREN:

WILLIAM K. SPENCER, JR.

1586 Kamohoalii Street
Honolulu, Hawaii 96819

CHARLES P. SPENCER

1586 Kamohoalii Street
Honolulu, Hawaii 96819

ARNOLD SPENCER

1586 Kamohoalii Street
Honolulu, Hawaii 96819

LYDIA BARROS

1586 Kamohoalii Street
Honolulu, Hawaii 96819

CARMELA GOMEZ

1586 Kamohoalii Street
Honolulu, Hawaii 96819

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

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

The deceased class member's share of the *Kalima* settlement proceeds should have been distributed to the surviving spouse, **MARY KAEKAE SPENCER**. Because said surviving spouse is now also deceased, her estate would govern the further administration of said settlement

proceeds. **MARY KEKAE SPENCER** left a Last Will dated September 19, 2000. Said Last Will appears to have been validly executed as a testamentary instrument and poured over to the Mary K.W. Spencer Self-Trusteed Trust Agreement dated September 19, 2000. **CHARLES P. SPENCER** appears to be the successor Trustee. True and correct copies of the Last Will and Trust are collectively attached hereto as **Exhibit "I"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **CHARLES P. SPENCER, Trustee of the Mary K.W. Spencer Self-Trusteed Trust Agreement dated September 19, 2000.**

(N) **MARY KAEKAE SPENCER**
(Date of Death: June 7, 2007)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

WILLIAM SPENCER, JR.
1586 Kamohoalii Street
Honolulu, Hawaii 96819

CHARLES P. SPENCER
1586 Kamohoalii Street
Honolulu, Hawaii 96819

ARNOLD SPENCER
1586 Kamohoalii Street
Honolulu, Hawaii 96819

LYDIA BARROS
1586 Kamohoalii Street
Honolulu, Hawaii 96819

CARMELA GOMEZ
1586 Kamohoalii Street
Honolulu, Hawaii 96819

(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 September 19, 2000. Said Last Will appears to have been validly executed as a testamentary instrument. Said Last Will pours-over to the Mary K.W. Spencer Self-Trusteed Trust Agreement dated September 19, 2000. **CHARLES P. SPENCER** appears to be the successor Trustee. Said Last Will and the Trust are collectively attached hereto as **Exhibit "I"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **CHARLES P. SPENCER, Trustee of the Mary K.W. Spencer Self-Trusteed Trust Agreement dated September 19, 2000.**

(O) **WESLEY KUULEIIPUIAIKEALAONAONA SPENCER**
(Date of Death: January 10, 2021)
(Place of Death: Pearl City, Hawaii)

(1) **SURVIVING SPOUSE:**

NANCY SUSANNE SPENCER
637 Hoomoana Street
Pearl City, Hawaii 96782

(2) **CHILDREN:**

JOSEPHINE P. SPILLNER
637 Hoomoana Street
Pearl City, Hawaii 96782

WESLEY K. SPENCER JR.
3365 Kilalaea Avenue
Honolulu, Hawaii 96816

(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, **NANCY SUSANNE SPENCER.**

(P) **ENOCH KEKUIOKALANI SPENCER JR.**
(Date of Death: July 3, 2003)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:**

HENRIETTA A. SPENCER
1374 Hele Street
Kailua, Hawaii 96734

(2) **CHILDREN:**

ENOKA K. SPENCER
1374 Hele Street
Kailua, Hawaii 96734

ERNELL H. GONZALES
259 Aina Lani Place
Kapaa, Hawaii 96746

ELVERA M. KAPUNIAI
41-873 Oluolu Street
Waimanalo, Hawaii 96795

EKENA KALE SPENCER
1374 Hele Street
Kailua, Hawaii 96734

(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, **HENRIETTA A. SPENCER.**

(Q) **JAMES KELEHUA KEKUEWA**
(Date of Death: August 4, 2021)
(Place of Death: Waianae, Hawaii)

(1) **SURVIVING SPOUSE:**

SANDRA A. KEKUEWA
84-598 Nukea Street
Waianae, Hawaii 96792

(2) CHILDREN:

CHARMAINE K. KEKUEWA

1220 Aala Street #1202
Honolulu, Hawaii 96817

LORNA J. KEKUEWA

1031 Nuuanu Avenue #1101
Honolulu, Hawaii 96817

DANIEL F. KEKUEWA

P.O. Box 2295
Ewa Beach, Hawaii 96706

KIM L. KEKUEWA

4660 Reka Drive #01
Anchorage, Alaska 99508

JAMES K. KEKUEWA JR. (Pre-Deceased)

Date of Death: February 1, 1993

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived by:

BURGUNDY-JANE A. DIAS

84-611 Lahaina Street
Waianae, Hawaii 96792

LANDON BLUE K. KEKUEWA

1130 Wilder Avenue #1002
Honolulu, Hawaii 96822

RHAPSODY K. KEKUEWA

87-113 Liopolo Street
Waianae, Hawaii 96792

JAMES K. KEKUEWA III

84-611 Lahaina Street
Waianae, Hawaii 96792

(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 was survived by descendants who are not also descendants of the deceased class member's surviving spouse, **SANDRA A. KEKUEWA.**

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:

SANDRA A. KEKUEWA - First \$100,000, plus one-half (1/2) of any balance
CHARMAINE K. KEKUEWA - One-Tenth (1/10) of balance
LORNA J. KEKUEWA - One-Tenth (1/10) of balance
DANIEL F. KEKUEWA - One-Tenth (1/10) of balance
KIM L. KEKUEWA - One-Tenth (1/10) of balance
BURGUNDY-JANE A. DIAS - One-Fortieth (1/40) of balance
LANDON BLUE K. KEKUEWA - One-Fortieth (1/40) of balance
RHAPSODY K. KEKUEWA - One-Fortieth (1/40) of balance
JAMES K. KEKUEWA III - One-Fortieth (1/40) of balance

- (R) **ANNETTE LEIMOMI LEAR**
(Date of Death: January 7, 2019)
(Place of Death: Wailuku, Hawaii)

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

EDEN K. STEWART
6 Oopu Way
Wailuku, Hawaii 96793

DAVID K. LEAR
6 Oopu Way
Wailuku, Hawaii 96793

APRIL M. FAULKNER
9 Summer Street Apt. 6
Lebanon, New Hampshire 3766

- (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:

EDEN K. STEWART - ONE-THIRD (1/3)
DAVID K. LEAR - ONE-THIRD (1/3)
APRIL M. FAULKNER - ONE-THIRD (1/3)

(S) **HENRIETTA LEILANI ORTA**
(Date of Death: December 5, 2012)
(Place of Death: Honolulu, Hawaii)

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

ROBERT L. ORTA
773 Kinau Street #502A
Honolulu, Hawaii 96813

NOREEN K. COLLINS
14420 W Dianne Drive
New Berlin, Wisconsin 53151

- (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 L ORTA - ONE HALF (1/2)
NOREEN K COLLINS - ONE HALF (1/2)

(T) **GLADYS K. MINCHEW**
(Date of Death: April 14, 2004)
(Place of Death: Las Vegas, Nevada)

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

KAUI A. HARRISON
7101 Choplin Road
Wake Forest, North Carolina 27587

SABRINA K. TRUJILLO
352 Nakoia Drive, Apt. A
Wailuku, Hawaii 96793

KUULEINANI MAUNUPAU
112 Pueo Drive
Kula, Hawaii 96790

KALEI MANUIA
P.O. Box 1737
Keaau, Hawaii 96749

- (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:

KAUI A. HARRISON - ONE-FOURTH (1/4)
SABRINA K. TRUJILLO - ONE-FOURTH (1/4)
KUULEINANI MAUNUPAU - ONE-FOURTH (1/4)
KALEI MANUIA - ONE-FOURTH (1/4)

(U) SOLOMON KALUAOPAHA MAKALENA
(Date of Death: April 27, 2009)
(Place of Death: Wahiawa, Hawaii)

(1) SURVIVING SPOUSE:

MARY N. MAKALENA (Post-Deceased)
Date of Death: August 1, 2016

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by children named below.

(2) CHILDREN:

SOLOMON KALUA MAKALENA III
9203 Ratama Creek Lane
Houston, Texas 77064

JUNE KIHAPAI MAKALENA
112 Lohe Place
Wahiawa, Hawaii 96786

(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 August 22, 2007 which appears to have been validly executed as a testamentary instrument. Said Last Will is described as a pour-over will and names the Solomon Kaluaopaha Makalena, Jr. Trust dated August 22, 2007 as the sole devisee. It appears that **JUNE KIHAPAI MAKALENA** is the current-acting trustee. True and correct copies of said Last Will and the Solomon Kaluaopaha Makalena, Jr. Trust 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 **JUNE KIHAPAI MAKALENA, Trustee of the Solomon Kaluaopaha Makalena, Jr. Trust dated August 22, 2007.**

(V) **MARY KUULEIALOHAPOINAOLEKEONAONA PAI MACHADO**
(Date of Death: July 27, 1996)
(Place of Death: Aiea, Hawaii)

(1) SURVIVING SPOUSE: NONE

(2) CHILDREN:

SPENCER MACHADO
91-1013 Kanehili Street
Kapolei, Hawaii 96707

JOSEPH MACHADO
41-658 Bell Street
Waimanalo, Hawaii 96795

GAIL TUBBS
19334 Stahelin Avenue
Detroit, Michigan 48219-2738

KALEI GWYNN MACHADO, JR. (Pre-Deceased)
Date of Death: March 17, 1971

(Verified by Certificate of Death filed under seal
herein)

Survived by:

SHERYL BURRIGHT-NAVA (Spouse)
66940 Yucca Drive
Desert Hot Springs, California 92240

MONICA MACHADO TEJERO (Descendant)
209 11th Street #A
Ramona, California 92065

NICOLE MACHADO (Descendant) (Deceased)
Date of Death: March 25, 2007

(Verified by obituary published online by
Legacy.com)

Survived by:

ROBERT BLAIR (Spouse)
66940 Yucca Drive
Desert Hot Springs, California 92240

TANYA KALEI BLAIR (Descendant)
66940 Yucca Drive
Desert Hot Springs, California 92240

CHARMAINE MACHADO ORPILLA (Descendant) (Deceased)³
(Date of Death: December 30, 2021)

³ Petitioner is informed that CHARMAINE MACHADO ORPILLA is the biological child of KALEI GWYNN MACHADO, JR., but was legally adopted by the deceased class member.

(Place of Death: Ewa Beach, Hawaii)

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by:

DELANCEY ORPILLA (Spouse)
91-840 Haiamu Road
Ewa Beach, Hawaii 96706

DESMOND K. MACHADO (Descendant)
91-840 Haiamu Road
Ewa Beach, Hawaii 96706

CHRISTOPHER K. ORPILLA (Descendant)
91-840 Haiamu Road
Ewa Beach, Hawaii 96706

RICHARD K. ORPILLA (Descendant)
91-840 Haiamu Road
Ewa Beach, Hawaii 96706

(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 September 26, 1995. Said Last Will appears to be a validly executed testamentary instrument and pours over to the Mary P. Machado Living Trust dated September 26, 1995. It appears that **SPENCER MACHADO** is the Trustee. True and correct copies of the Last Will and the Mary P. Machado Living Trust dated September 26, 1995 are collectively 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 **SPENCER MACHADO, Trustee of the Mary P. Machado Living Trust dated September 26, 1995.**

(W) **HANSEL P. KANE**
(Date of Death: September 1, 2005)
(Place of Death: Independence, Missouri)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

ART KANE
3376 E Morrison Ranch Parkway
Gilbert, Arizona 85296

AVERY KANE
85-148F Ala Walua Drive
Waianae, Hawaii 96792

LLOYD KANE
16417 Young Street, Apt. 207
Honolulu, Hawaii 96826

HAZEL JANE KANE
94-166 Kiaha Loop
Mililani, Hawaii 96789

HANSEL K.P. KANE (Post-Deceased)
Date of Death: February 17, 2017

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

Survived by:

JONALINN KANE (Spouse)
1634 Ashbury Lane
Hayward, California 94545

JONSEL JACKSON (Descendant)
14011 Tramonto Hill
San Antonio, Texas 73253

JONATHAN KAHALEWAI (Descendant)
P.O. Box 893098
Mililani, Hawaii 96789

JOHANNA PEOPLES (Descendant)
1634 Ashbury Lane
Hayward, California 94545

JOHANNAH KANE (Descendant)
95-227 Waikalani Drive A1104
Mililani, 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, but it has not been admitted to probate. Said Last Will appears to have been validly executed and devises the residuary estate to **HAZEL J. KANE**. A true and correct copy of said Last Will is attached hereto as **Exhibit "L"**.

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

settlement proceeds should be distributed to **HAZEL J. KANE.**

(X) **RUBY KEAPOLANI PRUNESTI**
(Date of Death: September 29, 2010)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

LANI KEALOHA PRUNESTI BORTON
1310 Heulu Street #1802
Honolulu, Hawaii 96822

FRANK A.K. PRUNESTI
2819 Whistlewood Drive
Orlando, Florida 32810

TRACEY A. BETTS
12945 114th Avenue N
Largo, Florida 33774

KIMBERLEY WALKER
180 Sassafras Lane
Cedar Mountain, North Carolina 28718

STACEY KALUHIOKALANI
211 Rodman Drive
Madison, AL 35758

MIA PRUNESTI
6443 Kimesville Lake Loop
Liberty, North Carolina 27298

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

(4) **PROBATE PROCEEDINGS:** NONE

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

Petitioner has been informed that the deceased class member had a last will, but the family has not been able to locate a copy. Petitioner has been provided with a copy of the Last Will and Testament of the deceased class member's pre-deceased spouse, **FRANK A. PRUNESTI**. Said Will is dated March 25, 1993 and pours-over to the Prunesti Family Living Trust dated February 4, 1993. The Settlers of this trust were **FRANK A. PRUNESTI** and the deceased class member. True and correct copies of the Last Will and the Prunesti Family Living Trust are collectively attached hereto as **Exhibit "M"**.

Under the circumstances, it seems likely that the deceased class member would have made a last will that is substantially identical to the Last Will of **FRANK A. PRUNESTI**, which has the intent of funding the Prunesti Family Living Trust. In further support of the intent to fund the Prunesti Family Living Trust, Petitioner has obtained a Warranty Deed to Trustee dated February 9, 2009, by which the deceased class member conveyed certain real property to herself as Trustee of the Family Bypass Trust created under the Prunesti Family Living Trust dated February 3, 1994 and as Trustee of the Surviving Spouse's Trust created under the Prunesti

Family Living Trust dated February 3, 1994⁴. A true and correct copy of the Warranty Deed is attached hereto as **Exhibit "N"**.

While the intent of the deceased class member appears to have been to fund the Prunesti Family Living Trust, Petitioner notes that Article 6 of the Prunesti Family Living Trust would govern the ultimate distribution of funds remaining in said Prunesti Family Living Trust. Article 6.8 provides that at the deceased class member's death, "the trustee shall distribute the remaining trust estate equally to the [deceased class member's] then-living children, pro rata and not by right of representation". Petitioner notes that this distribution would be identical to the intestate succession for the deceased class member's estate.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should EITHER be distributed to **LANI K.P. BORTON, Trustee of the Prunesti Family Living Trust**

⁴ Note that the date of the Prunesti Family Living Trust as referenced in the Warranty Deed appears to be a typographical error. The Trust was executed by the deceased class member on February 4, 1993 according to the notary certificate on said Trust instrument. The Warranty Deed references a trust dated February 3, 1994.

Agreement dated February 4, 1993, or in the following proportions:

LANI KEALOHA PRUNESTI BORTON - ONE-SIXTH (1/6)

FRANK A.K. PRUNESTI - ONE-SIXTH (1/6)

TRACEY A. BETTS - ONE-SIXTH (1/6)

KIMBERLEY WALKER - ONE-SIXTH (1/6)

STACEY KALUHIOKALANI - ONE-SIXTH (1/6)

MIA PRUNESTI - ONE-SIXTH (1/6)

(Y) **RODNEY PUPUHI**

(Date of Death: October 24, 2014)

(Place of Death: Kingman, Arizona)

(1) **SURVIVING SPOUSE:**

DORA PUPUHI

2189 Ridgeview Road
Kingman, Arizona 86401

(2) **CHILDREN:**

SAMUEL PUPUHI

2189 Ridgeview Road
Kingman, Arizona 86401

RODNEY H. PUPUHI, JR. (Pre-Deceased)

Date of Death: October 28, 2004

(Verified by medical record filed under seal herein)

No known probate proceedings.

No spouse and no descendants.

(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 surviving spouse, **DORA PUPUHI**.

(Z) **JAMES KAIPOLAUEA REYES**
(Date of Death: January 2, 2006)
(Place of Death: Lihue, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

BARRETT K. REYES
P.O. Box 30922
Anahola, Hawaii 96703

BLAINE WAILANI REYES
P.O. Box 30922
Anahola, Hawaii 96703

BRIAN LANAKILA REYES (Post-Deceased)
Date of Death: March 19, 2022

(Verified by Certificate of Death filed under seal herein)

No known probate proceedings.

No spouse and no descendants.

(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:

BARRETT K. REYES - ONE-HALF (1/2)
BLAINE WAILANI REYES - ONE-HALF (1/2)

(AA) **JOANNA MAUI RAMOS**
(Date of Death: February 3, 2008)
(Place of Death: Kalamaua, Hawaii)

(1) **SURVIVING SPOUSE: NONE**

(2) **CHILDREN:**

JULIANA KAUPU
P.O. Box 2015
Seward, Alaska 99669

MARIALENA K. RAWLINS
P.O. Box 1354
Kaunakakai, Hawaii 96748

CHERYL U. RAMOS
P.O. Box 109
Hoolehua, Hawaii 96729

BENNY M. RAMOS JR.
P.O. Box 622
Puunene, Hawaii 96784

(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:

JULIANA KAUPU - ONE-FOURTH (1/4)
MARIALENA K. RAWLINS - ONE-FOURTH (1/4)

CHERYL U. RAMOS - ONE-FOURTH (1/4)
BENNY M. RAMOS JR. - ONE-FOURTH (1/4)

(BB) **JOHN KOLII KEKAUOHA JR.**
(Date of Death: December 10, 2020)
(Place of Death: Hilo, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

CAREY KEKAUOHA
41-986 Kalaniana'ole Highway
Waimanalo, Hawaii 96795

JOHN KEKAUOHA III
85 Todd Avenue
Hilo, Hawaii 96720

KYLE KEKAUOHA
46-299 Kahuhipa Street Apt A501
Kaneohe, Hawaii 96744

KAYLAH KEKAUOHA
461 Hoomalu Street
Pearl City, Hawaii 96782

JONNEL M RODRIGUES
87-119 Kulakumu Place
Waianae, Hawaii 96792

(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:

CAREY KEKAUOHA - ONE FIFTH (1/5)
JOHN KEKAUOHA III - ONE FIFTH (1/5)
KYLE KEKAUOHA - ONE FIFTH (1/5)
KAYLAH KEKAUOHA - ONE FIFTH (1/5)
JONNEL M RODRIGUES - ONE FIFTH (1/5)

(CC) **LILLIAN LAAHIWA KELLY**
(Date of Death: September 15, 2005)
(Place of Death: Ewa Beach, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

EMMETT K. KELLY
91-637 Kilinahe Street
Ewa Beach, Hawaii 96706

LEE A. KELLY
1524 Pensacola Street #210
Honolulu, Hawaii 96822

KELIILAWAIANUI IKAIKA KELLY
10250 Spencer Street #1136
Las Vegas, Nevada 89183

EDWARD H. KELLY
87-250 Waiolu Street
Waianae, Hawaii 96792

LYMAN K. KELLY (Pre-Deceased)
Date of Death: April 6, 1987

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

No known probate proceedings.

Survived by:

KAPIOLANI N. CABILES (Spouse)
89-318 Lepeka Avenue
Waianae, Hawaii 96792

ROSEMARIE KANANI OKEANUENUE KELLY (Descendant)

89-318 Lepeka Avenue
Waianae, Hawaii 96792

EDWINA M.K. WHITE (Pre-Deceased)

Date of Death: July 17, 1999

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

No known probate proceedings.

Survived by:

HARRY WHITE (Spouse)
41-1707 Kalaniana'ole Highway
Waimanalo, Hawaii 96795

KINOHIOLA SANTOS (Descendant)
41-1626 Kumuniu Street
Waimanalo, Hawaii 96795

KEOLAHOU KALANI WHITE (Descendant)
20 Karsten Drive
Wahiawa, Hawaii 96786

KAULANA KALANIOLA WHITE (Descendant)
95-1009 Koolani Drive Apt. D401
Mililani, Hawaii 96789

LYNN H. KALUNA (Post-Deceased)

Date of Death: September 30, 2021

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

Survived By:

CHARLES E.K. KALUNA (Spouse) (Deceased)
Date of Death: June 4, 2024

(Verified by Certificate of Death filed under seal
herein)

No known probate proceedings.

CHARLYNN NIEVES (Descendant)
94-083 Leowaena Street
Waipahu, Hawaii 96797

KUIOLA KELLY (Descendant)
91-1199 Mikohu Street
Ewa Beach, Hawaii 96706

KAIPO KALUNA (Descendant)
548 California Avenue
Wahiawa, Hawaii 96786

KALEO KALUNA (Descendant)
181 Kaliko Drive
Wahiawa, Hawaii 96786

KAMALINOOKEKAI KALUNA (Descendant)
1269 Kipaipai Street 31F
Pearl City, Hawaii 96782

KELLY KALUNA (Descendant)
94-083 Leowaena Street
Waipahu, Hawaii 96797

- (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 her descendants by representation. Each of the deceased class member's children who survived the deceased class member would receive an equal share.

LYNN H. KALUNA is the only of the deceased class member's children who died after the deceased class member. Petitioner is informed that she died intestate. Her share would be further administered in accordance with her intestate estate. She was survived by her spouse, **CHARLES E.K. KALUNA**, and their children. **CHARLES E.K. KALUNA** subsequently passed away intestate. Their six children would be entitled to share his estate, equally.

Two (2) of the deceased class member's children predeceased the deceased class member, with their own descendants surviving. These surviving descendants would share the remaining balance of the deceased class member's settlement proceeds. Therefore, petitioner believes that said settlement proceeds would be distribute in the following proportions:

EMMETT K. KELLY - ONE-SEVENTH (1/7)
LEE A. KELLY - ONE-SEVENTH (1/7)
KELIILAWAIANUI IKAIKA KELLY - ONE-SEVENTH (1/7)
EDWARD H. KELLY - ONE-SEVENTH (1/7)
KINOHIOA SANTOS - ONE-FOURTEENTH (1/14)
KEOLAHOU KALANI WHITE - ONE-FOURTEENTH (1/14)
KAULANA KALANIOLA WHITE - ONE-FOURTEENTH (1/14)
ROSEMARIE KANANI OKEANUENUE KELLY - ONE-FOURTEENTH (1/14)
CHARLYNN NIEVES - ONE-FORTY SECOND (1/42)
KUIOLA KELLY - ONE-FORTY SECOND (1/42)
KAIPO KALUNA - ONE-FORTY SECOND (1/42)
KALEO KALUNA - ONE-FORTY SECOND (1/42)
KAMALINOOKEKAI KALUNA - ONE-FORTY SECOND (1/42)

KELLY KALUNA - ONE-FORTY SECOND (1/42)

(DD) **JOHN WILLIAM MOKULEHUA**
(Date of Death: July 13, 2022)
(Place of Death: Waimanalo, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

JAYME-LEE M MOKULEMUA
c/o David B. Kaapu, Esq.
75-5751 Kuakini Highway
Kailua-Kona, Hawaii 96740

MADEN MOKULEHUA
413-B Ulupaina Street
Kailua, Hawaii 96734

JAZMYNE MINNETT
3115 Arbor Ridge Lane
New Albany, Indiana 47150

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

(4) **PROBATE PROCEEDINGS:**

JAYME-LEE MOKULEHUA was appointed as Personal Representative of the deceased class member's estate in Probate No. 1CLP-22-0000872, filed in the Circuit Court of the First Circuit, State of Hawaii. A true and correct copy of the Letters Testamentary issued to **JAYME-LEE MOKULEHUA** is attached hereto as Exhibit "O".

(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 **JAYME-LEE MOKULEHUA, Personal Representative of the Estate of John William Mokulehua.**

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 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, October 4, 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

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
11-OCT-2024
08:14 AM
Dkt. 604 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)

ORDER SETTING DATE, TIME AND
PLACE OF HEARING ON PETITION FOR
INSTRUCTIONS #14

HEARING: **DEC 06 2024**

DATE:

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

ORDER SETTING DATE, TIME AND PLACE
OF HEARING ON PETITION FOR INSTRUCTIONS #14

The PETITION FOR INSTRUCTIONS #14 having been filed on
October 4, 2024, and good cause appearing therefor,

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

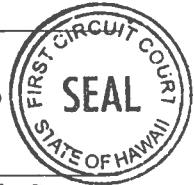
DEC 06 2024, at 10:00 a.m. in the courtroom of
the Judge of the above-entitled Court who shall be sitting in
probate, in Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu,
Hawaii 96813.

That Petitioner give notice of the hearing by email, via the website www.kalima-lawsuit.com, 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, OCT 11 2024

/s/ R. So



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 #14.