

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 #5 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:

DAVID KAIWI, Deceased  
EVELYN ILIMA ALANI HEGENT, Deceased  
DAVID GORDON KAKALIA, Deceased  
MAYNON LILOA JOAQUIN, Deceased  
SMILEY KAUALO KAIWI, Deceased  
JULIA LADISLA JOHNSON, Deceased  
LINDA MILANI JOHNSON, Deceased  
MARGARET HANAKEAWE JOHNSTON, Deceased  
JEWEL K. KAAHANUI, Deceased  
SAMUEL LAWRENCE KAAHANUI, SR., Deceased  
CHARLES KULA KAMAKA, Deceased  
CHARLOTTE PUANANI DIAS KAMAKA, Deceased  
CHARLES KAAIAI, Deceased  
IRENE MOKIHANA AKIONA, Deceased  
JOSLYN LEIALOHA BERNARD, Deceased  
JOSEPH KUAANA ANGAY, Deceased  
JACOB ANGAY, Deceased  
LORRAINE MAHIAI ENTERLINE, Deceased  
SHELDON R. ENTERLINE, Deceased  
HENRY KALEOLANI BORDEN, Deceased  
LOVELL KEIKIOEWA KAOPUA SR., Deceased

The date, time and place for hearing said Petition shall be Friday, June 7, 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, March 7, 2024.

S. ADAMS

Clerk of the Above-Entitled Court

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

**SCOTT C. SUZUKI, ATTORNEY AT LAW**

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

**Electronically Filed  
FIRST CIRCUIT  
1CTR-23-0000142  
07-MAR-2024  
12:34 PM  
Dkt. 93 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 #5

HEARING:

DATE: June 7, 2024  
TIME: 10:00 a.m.  
JUDGE: Hon. Jeannette H.  
Castagnetti

ORDER SETTING DATE, TIME AND PLACE  
OF HEARING ON PETITION FOR INSTRUCTIONS #5

The PETITION FOR INSTRUCTIONS #5 having been filed on  
March 1, 2024, and good cause appearing therefor,

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

June 7, 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.

**RECEIVED**

**MAR 05 2024**

**FIFTH DIVISION**

RECEIVED  
Estate & Probate Branch

MAR - 4 2024

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, March 7, 2024



/s/ S. Adams

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; ORDER SETTING DATE, TIME AND PLACE OF HEARING ON PETITION FOR INSTRUCTIONS #5.

**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  
01-MAR-2024  
02:21 PM  
Dkt. 76 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 #5;  
EXHIBITS "A" - "G"

HEARING:

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

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.  
Castagnetti

PETITION FOR INSTRUCTIONS #5

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 in the proceeds of the settlement funds

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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.

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) **DAVID KAIWI**  
**(Date of Death: October 10, 2016)**  
**(Place of Death: Honolulu, Hawaii)**

**(1) SURVIVING SPOUSE:**

**JERILYN K. KAIWI**  
P.O. Box 2646  
Kamuela, Hawaii 96743

**(2) CHILDREN:**

**CHRISTIAN K. KAIWI**  
64-1049 Kamanawa Street  
Kamuela, Hawaii 96743

**KIMBERLY ANN K. IFENUK**  
111 Desha Avenue  
Hilo, Hawaii 96720

- (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 **JERILYN K. KAIWI.**

- (B) **EVELYN ILIMA ALANI HEGENT**  
(Date of Death: November 16, 2022)  
(Place of Death: Hilo, Hawaii)

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

**IVAN K. HEGENT**  
146 Waenakonu Street  
Hilo, Hawaii 96720

**ALLAN K. HEGENT**  
HCR2 Box 6435  
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 equal proportions to **IVAN K. HEGENT** and **ALLAN K. HEGENT**.

(C) **DAVID GORDON KAKALIA**  
(Date of Death: April 16, 2018)  
(Place of Death: Wailuku, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**DAVID GORDON KAKALIA, JR.**  
P.O. Box 881204  
Pukalani, Hawaii 96788

**ROSELEE L. KEPOO**  
P.O. Box 6010  
Kamuela, Hawaii 96743

**GORDEAN K. KAKALIA**  
524 Castle Creek Road, Apt. 17  
Binghamton, New York 13901

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

(4) **PROBATE PROCEEDINGS:** NONE

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

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

DAVID GORDON KAKALIA, JR., ROSELEE L. KEPOO, and GORDEAN  
K. KAKALIA.

(D) **MAYNON LILOA JOAQUIN**  
(Date of Death: April 23, 2017)  
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**HAAHEO JOAQUIN**  
2242 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 **HAAHEO**  
**JOAQUIN.**

(E) **SMILEY KAUALO KAIWI**  
(Date of Death: October 26, 2016)  
(Place of Death: Wailuku, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**CHARMAINE P. WASHINGTON**  
P.O. Box 330051  
Kahului, Hawaii 96733

**RHODA ANN M. SHIMABUKU**  
2029 Marley Drive  
Cola, South Carolina 29210

**SAMUEL JOHN KAIWI, JR.**  
P.O. Box 790342  
Paia, Hawaii 96779

**LORNA MAE K. NISHIHARA**  
c/o Na`unanikina`u A. Kamali`i, Esq.  
212 Merchant Street, Suite 330  
Honolulu, Hawaii 96813

**WENDY CURTIS IOANE KAIWI** (Post-Deceased)  
Date of Death: September 30, 2022

(Verified by obituary published online by Maui Now)

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

**(4) PROBATE PROCEEDINGS:**

**LORNA MAE K. NISHIHARA** has been appointed as Personal Representative for the Estate of the deceased class member in P. No. 2CLP-23-0000184. True and correct copies of the Order Granting Petition for Adjudication of Intestacy and Appointment of Personal Representative and the Letters of Administration are collectively attached hereto as **Exhibit "A"**.

**(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 **LORNA MAE K. NISHIHARA**, as Personal Representative of the Estate of **SMILEY KAUALO KAIWI**.

(F) **JULIA LADISLA JOHNSON**  
(Date of Death: February 26, 2011)  
(Place of Death: Aiea, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**VERNON D. JOHNSON**  
41-603 Puha Street  
Waimanalo, Hawaii 96795

**HARVEY D. JOHNSON**  
9611 Vital Crest Street  
Las Vegas, Hawaii 89123

**VIRGIL D. JOHNSON**  
41 603 Puha Street  
Waimanalo, Hawaii 96795

(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 equal proportions to **VERNON D. JOHNSON, HARVEY D. JOHNSON,** and **VIRGIL D. JOHNSON.**

- (G) **LINDA MILANI JOHNSON**  
(Date of Death: August 29, 2001)  
(Place of Death: Honolulu, Hawaii)

- (1) **SURVIVING SPOUSE:**

**NED K. JOHNSON**  
P.O. Box 61103  
Honolulu, Hawaii 96839

- (2) **CHILDREN:**

**RUTH P. VILLANUEVA**  
99-022 Kauhale Street  
Aiea, Hawaii 96701

**NAOMI M. KAMAJOHA**  
1717 Keeaumoku Street Apt. 208  
Honolulu, Hawaii 96822

**LEILA K. TOKUNAGA**  
3435 Oahu Avenue  
Honolulu, Hawaii 96822

- (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 surviving spouse, **NED K. JOHNSON**.

(H) **MARGARET HANAKEAWE JOHNSTON**  
(Date of Death: February 11, 1996)  
(Place of Death: Kaneohe, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**JOYCE OLGA L. FARIAS**  
1086 Pepper Lane  
Fernley, Nevada 89408

**OLIVIA M. PERRY**  
1052 Alahaki Street  
Kailua, Hawaii 96734

**OLINDA A.K. KAMAKAHI**  
7283 Ninini Street  
Honolulu, Hawaii 96825

**ODELLA P. NAKANELUA**  
87-162 Pualeilani Street  
Waianae, Hawaii 96792

**REUBEN H. GAUDIA**  
87 W 5785 S  
Murray, Utah 84107

**FRANCINE L.K. PESTANA**  
9490 Bermuda Road Apt. 1180  
Las Vegas, Nevada 89123

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

(4) **PROBATE PROCEEDINGS:** NONE

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

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed in equal proportions to her children, **JOYCE OLGA L. FARIAS, OLIVIA M. PERRY, OLINDA A.K. KAMAKAHI, ODELLA P. NAKANELUA, REUBEN H. GAUDIA, and FRANCINE L.K. PESTANA.**

**(I) JEWEL K. KAAHANUI**  
**(Date of Death: January 21, 2017)**  
**(Place of Death: Hoolehua, Hawaii)**

**(1) SURVIVING SPOUSE: NONE**

**(2) CHILDREN:**

**CHARLOTTE N. LOPEZ**  
P.O. Box 921  
Kaunakakai, Hawaii 96748

**MURPHY K. KAAHANUI**  
P.O. Box 506  
Hoolehua, Hawaii 96729

**TERRY N. KAAHANUI**  
P.O. Box 378  
Hoolehua, Hawaii 96729

**FRANK I. KAAHANUI, JR.**  
P.O. Box 1801  
Kaunakakai, Hawaii 96748

**RENA K. CHU**  
P.O. Box 396  
Kaunakakai, Hawaii 96748

**FRANCINE M. PACTOL**  
P.O. Box 1037  
Kaunakakai, Hawaii 96748

**LILLIAN M. ISHII** (Post-Deceased)  
(Date of Death: March 28, 2018)

(Certificate of Death filed under seal herein)

**(3) OTHER INTESTATE HEIRS:**

**CLEVE K. KAAHANUI** (Descendant of **LILLIAN ISHII**)  
P.O. Box 22  
Hoolehua, Hawaii 96729

**MISA LEE LEILANI ISHII** (Descendant of **LILLIAN ISHII**)  
P.O. Box 190  
Kaunakakai, Hawaii 96748

**GEORGE MINEYOSHI ISHII** (Descendant of **LILLIAN ISHII**)  
P.O. Box 190  
Kaunakakai, Hawaii 96748

**(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:

**CHARLOTTE N. LOPEZ - 1/7**

**MURPHY K. KAAHANUI - 1/7**

**TERRY N. KAAHANUI 1/7**

**FRANK I. KAAHANUI, JR. - 1/7**

**RENA K. CHU - 1/7**



**FRANCINE M. PACTOL - 1/7**

**CLEVE K. KAAHANUI - 1/21**

**MISA LEE LEILANI ISHII - 1/21**

**GEORGE MINEYOSHI ISHII - 1/21**

(J) **SAMUEL LAWRENCE KAAHANUI, SR.**  
**(Date of Death: January 27, 2016)**  
**(Place of Death: Waianae, Hawaii)**

**(1) SURVIVING SPOUSE: NONE**

**(2) CHILDREN:**

**LAURENE KAAHANUI**

c/o McCorriston Miller Mukai MacKinnon LLP  
500 Ala Moana Boulevard, Suite 5-400  
Honolulu, Hawaii 96813

**SAMUEL LAWRENCE KAAHANUI, JR.**

400 Hobron Lane, Suite 3412  
Honolulu, Hawaii 96815

**LEE LEILANI KALAMAU**

85-1312 Koolina Street  
Waianae, Hawaii 96792

**WAYNE OSWALD KAAHANUI (Post-Deceased)**

(Verified by Certificate of Death filed under seal  
herein)

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

**(4) PROBATE PROCEEDINGS:**

**LAURENE KAAHANUI** is the current acting Personal  
Representative in P. No. 17-1-0175, First Circuit, State  
of Hawaii. A true and correct copy of the Amended

Letters of Administration appointing the Personal Representative is attached hereto as Exhibit "B".

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

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

(K) **CHARLES KULA KAMAKA**  
(Date of Death: December 26, 2000)  
(Place of Death: Honolulu, Hawaii)

**(1) SURVIVING SPOUSE:**

**CHARLOTTE P. KAMAKA** (Post-Deceased)

Date of Death: October 19, 2017

(Verified by Certificate of Death filed under seal herein)

**(2) CHILDREN:**

**CINDY K. FREITAS**

c/o Na`unanikina`u A. Kamali`i, Esq.  
212 Merchant Street, Suite 330  
Honolulu, Hawaii 96813

**ALBERT KAMAKA**

91-1855 Park Row  
Ewa Beach, Hawaii 96706

**CHARLOTTE P. KAMAKA**

P.O. Box 1952  
Kailua, Hawaii 96734

**CHARLES K. KAMAKA JR.**

P.O. Box 1283  
Kula, Hawaii 96790

**DENISE L. KAMAKA**

74-526 Kaniohale Loop  
Kona, Hawaii 96740

**(3) OTHER INTESTATE HEIRS:**

**(4) PROBATE PROCEEDINGS:**

**CINDY KANANI FREITAS** was appointed to serve as Personal Representative in Probate No. 1CLP-23-0000399. Pursuant to the Last Will that was admitted to probate and the Order Granting Petition for Adjudication of Intestacy and Appointment of Personal Representative, the deceased class member's estate is to be distributed to **CINDY KANANI FREITAS, Trustee of the Charles K. Kamaka, Sr. Trust dated December 18, 1995.** True and correct copies

of the Letters Testamentary, Order Granting Petition for Adjudication of Intestacy and Appointment of Personal Representative, Last Will and Testament of Charles Kula Kamaka, Sr., and Short Form Trust are collectively attached hereto as Exhibit "C".

**(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 **CINDY KANANI FREITAS, Trustee of the Charles K. Kamaka, Sr. Trust dated December 18, 1995.**

(L) **CHARLOTTE PUANANI DIAS KAMAKA**  
**(Date of Death: October 19, 2017)**  
**(Place of Death: Honolulu, Hawaii)**

**(1) SURVIVING SPOUSE: NONE**

(2) **CHILDREN:**

**CINDY K. FREITAS**

c/o Na`unanikina`u A. Kamali`i, Esq.  
212 Merchant Street, Suite 330  
Honolulu, Hawaii 96813

**ALBERT A. KAMAKA**

91-1855 Park Row  
Ewa Beach, Hawaii 96706

**CHARLOTTE P. KAMAKA**

P.O. Box 1952  
Kailua, Hawaii 96734

**CHARLES K. KAMAKA JR.**

P.O. Box 1283 Kula, Hawaii 96790

**DENISE L. KAMAKA**

74-526 Kaniohale Loop  
Kona, Hawaii 96740

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

(4) **PROBATE PROCEEDINGS:**

**CINDY KANANI FREITAS** was appointed to serve as Personal Representative in Probate No. 1CLP-23-0000399. Pursuant to the Last Will that was admitted to probate and the Order Granting Petition for Adjudication of Intestacy and Appointment of Personal Representative, the deceased class member's estate is to be distributed to **CINDY KANANI FREITAS, Trustee of the Charlotte P. Kamaka Trust dated December 18, 1995**. True and correct copies of the Letters Testamentary, Order Granting Petition for Adjudication of Intestacy and Appointment of Personal

Representative, Last Will and Testament of Charlotte Puanani Kamaka, and Short Form Trust are collectively 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".

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **CINDY KANANI FREITAS, Trustee of the Charlotte P. Kamaka Trust dated December 18, 1995.**

(M) **CHARLES KAAIAI**  
**(Date of Death: December 27, 1999)**  
**(Place of Death: Waianae, Hawaii)**

**(1) SURVIVING SPOUSE:**

**MINNIE Y. KAAIAI**  
87-137 Kalapa Place  
Waianae, Hawaii 96792

(2) **CHILDREN:**

**GAYLE A. OSHIRO**  
94-1041 Kahimoe Place  
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 **MINNIE Y. KAAIAI.**

(N) **IRENE MOKIHANA AKIONA**  
(Date of Death: January 25, 2018)  
(Place of Death: Pearl City, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**BERNADINE K. KALUHIWA**  
c/o Ng & Niebling LLC  
3604 Waiialae Avenue  
Honolulu, Hawaii 96816

**JOHN K. AKIONA**  
46-078 Emepela Place #E-101  
Kaneohe, Hawaii 96744

**MARK E. AKIONA**  
7705 Crocus Circle  
Buena Park, California 90620

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

**(4) PROBATE PROCEEDINGS:**

**BERNADINE K. KALUHIWA** has been appointed as Personal Representative in Probate No. 1CLP-23-0000592. A true and correct copy of the Letters of Administration is attached hereto as **Exhibit "E"**. Pursuant to the Letters of Administration, the Personal Representative has no right to possess estate assets as provided in H.R.S. § 560:3-709 beyond that necessary to confirm title thereto in the successors to the estate.

**(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 in equal proportions to the deceased class member's children:



**BERNADINE K. KALUHIWA, JOHN K. AKIONA, and MARK E.  
AKIONA.**

(0) **JOSLYN LEIALOHA BERNARD**  
**(Date of Death: August 8, 2012)**  
**(Place of Death: Aiea, Hawaii)**

**(1) SURVIVING SPOUSE:**

**JOHN P. BERNARD, JR.**  
c/o Tamashiro Sogi & Bonner, ALC  
705 South King St., Suite 105  
Honolulu, Hawaii 96813

**(2) CHILDREN:**

**JOELLE K. BRANCH**  
91-872 Puhikani Street  
Ewa Beach, Hawaii 96706

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

**(4) PROBATE PROCEEDINGS:**

**JOHN P. BERNARD, JR.** has been appointed as Personal Representative in Probate No. 1CLP-23-0000013. A true and correct copy of the Letters of Administration is attached hereto as **Exhibit "F"**. Pursuant to the Letters of Administration, the Personal Representative has no right to possess estate assets as provided in H.R.S. § 560:3-709 beyond that necessary to confirm title thereto in the successors to the estate.

**(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 the deceased class member's surviving spouse, **JOHN P. BERNARD, JR.**

(P) **JOSEPH KUAANA ANGAY**  
(Date of Death: December 16, 2008)  
(Place of Death: Hilo, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

**MALIA A. ANGAY-KONANUI**  
P.O. Box 11347  
Hilo, Hawaii 96721

**LORETTA L. OKAMOTO**  
HC2 Box 6040  
Keaau, Hawaii 96749

**LEHUANANI A. ANGAY**  
P.O. Box 10569  
Hilo, Hawaii 96721

**MOKE K. ANGAY**  
15-2783 Iao Street  
Pahoa, Hawaii 96778

- (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:

**MALIA A. ANGAY-KONANUI - ONE-FOURTH (1/4)**

**LORETTA L. OKAMOTO - ONE-FOURTH (1/4)**

**LEHUANANI A. ANGAY - ONE-FOURTH (1/4)**

**MOKE K. ANGAY - ONE-FOURTH (1/4)**

- (Q) **JACOB ANGAY**  
(Date of Death: February 13, 2008)  
(Place of Death: Keaukaha, Hawaii)

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

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

**JACOB KALEI ANGAY**  
773 Koele Street  
Hilo, Hawaii 96720

**JEANA GOMES**  
829 Akulikuli Way

Wailuku, Hawaii 96793

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

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

**JACOB KALEI ANGAY - ONE-HALF (1/2)**

**JEANA GOMES - ONE-HALF (1/2)**

(R) **LORRAINE MAHIAI ENTERLINE**  
(Date of Death: October 12, 2021)  
(Place of Death: Fort Wayne, Indiana)

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

**BRYAN K. ENTERLINE**  
3580 North Bayview Road  
Angola, Indiana 46703

**ROBERT CARL ENTERLINE JR.**  
13910 State Road 101  
Monroeville, Indiana 46773

**KALEI K. ENTERLINE**  
12828 Brunson Road  
Hoagland, Indiana 46745

**SHELDON ENTERLINE** (Pre-Deceased)  
Date of Death: November 8, 2018

(Certificate of Death shall be filed under seal herein)

- (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:

**BRYAN K. ENTERLINE - ONE-THIRD (1/3)**

**ROBERT CARL ENTERLINE JR. - ONE-THIRD (1/3)**

**KALEI K. ENTERLINE - ONE-THIRD (1/3)**

- (S) **SHELDON R. ENTERLINE**  
(Date of Death: November 8, 2018)  
(Place of Death: Fort Wayne, Indiana)

- (1) **SURVIVING SPOUSE:**  
  
**DIANE M.S. ENTERLINE**  
839 Georgian Drive  
New Haven, Indiana 46774
- (2) **CHILDREN: NONE**
- (3) **OTHER INTESTATE HEIRS: NONE**
- (4) **PROBATE PROCEEDINGS: NONE**
- (5) **LAST WILL NOT ADMITTED TO PROBATE: NONE**

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

(T) **HENRY KALEOLANI BORDEN**  
(Date of Death: June 20, 2005)  
(Place of Death: Kaunakakai)

(1) **SURVIVING SPOUSE:**

**FELICIDAD MALUENDA BORDEN**  
94-1046 Hahana Street  
Waipahu, Hawaii 96797

(2) **CHILDREN:**

**PAMELA L BORDEN**  
98-095 Lokowai Place  
Aiea, Hawaii 9670

**VALERIE K SATO**  
91-1020 Aea Street  
Ewa Beach, Hawaii 96706

**KATHLEEN M THOMAS**  
98-1274 Akaaka Street  
Aiea, Hawaii 96701

**FRANCINE CABIGON**  
94-1046 Hahana Street  
Waipahu, Hawaii 96797

**KELSEY K BORDEN**  
99-078 Olopana Street  
Aiea, Hawaii 96701

(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 **FELICIDAD MALUENDA BORDEN.**

**(U) LOVELL KEIKIOEWA KAOPUA SR.**  
**(Date of Death: January 25, 2023)**  
**(Place of Death: Kailua, Hawaii)**

**(1) SURVIVING SPOUSE:**

**EMOGENE H. KAOPUA**  
c/o Tamashiro Sogi & Bonner, ALC  
705 South King Street, Suite 105  
Honolulu, Hawaii 96813

**(2) CHILDREN:**

**LOVELL K. KAOPUA JR.**  
41-265 Kauhohokahiki Street  
Waimanalo, Hawaii 96795

**SHANNON K.J. KAOPUA**  
971 Akumu Street  
Kailua, Hawaii 96734

**ISAIAH K. KAOPUA**  
45-233 William Henry Road  
Kaneohe, Hawaii 96744

**HOLLY GANTONG**  
41-1654 Humuka Loop  
Waimanalo, Hawaii 96795

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

**(4) PROBATE PROCEEDINGS:**

**EMOGENE H. KAOPUA** has been appointed to act as Personal Representative of the deceased class member's estate in Probate No. 1CLP-23-0000628. A true and correct copy of the Letters Testamentary appointing the Personal Representative is attached hereto as **Exhibit "G"**.

**(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 **EMOGENE H. KAOPUA**, as Personal Representative of the Estate of **LOVELL KEIKIOEWA KAOPUA SR.**



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, March 1, 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