

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 #6 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:

HELEN H. DAVIS, Deceased

CLARA KUULEIALOHA HOAPILI, Deceased

GILBERT KAHELE, Deceased

HALL EPHRAIM KAIWA, Deceased

GEORGE K. KIPAPA, JR., Deceased

JAMES CARLISLE HEGERFELDT, Deceased

TAMMY KUUIPO-NOHEA KE, Deceased

RITA THERESA NOHOPAO MAHAULU, Deceased

WALTER ALEONG MOKULEHUA, JR., Deceased

CLIFFORD PRAIS, Deceased

FRANCIS AWAA HUI, Deceased

SIDNEY KALEILEHUA SPENCER, Deceased

ALBERT KAENAKAPUOKALANI WALTJEN, Deceased

KALEPAOKEKAIKUIHALA HUDDY MOCK SING LUM, Deceased

LOVELL FRANKLIN KALEIKINI, Deceased

JOHANNA ELIKOLANI CORREA, Deceased

BERNICIA KAOPIO, Deceased

LEROY K. PUKAHI, JR., Deceased

RANDOLPH MEDEIROS, Deceased

MARSHALL ALLEN MEYER, SR., Deceased

The date, time and place for hearing said Petition shall be Friday, June 21, 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, MAR 21 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
21-MAR-2024
12:51 PM
Dkt. 129 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 #6

HEARING:

DATE: June 21, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

ORDER SETTING DATE, TIME AND PLACE
OF HEARING ON PETITION FOR INSTRUCTIONS #6

The PETITION FOR INSTRUCTIONS #6 having been filed on
March 18, 2024, and good cause appearing therefor,

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

June 21, 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.

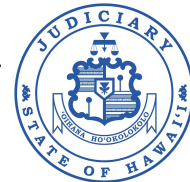
RECEIVED
Estate & Probate Branch
MAR 19 2024

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, March 21, 2024

/s/ S. Adams



Clerk of the Above-Entitled Court

T. No. 1CTR-23-0000142; IN THE MATTER OF THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023; ORDER SETTING DATE, TIME AND PLACE OF HEARING ON PETITION FOR INSTRUCTIONS #6.

NOTICE OF ELECTRONIC FILING

**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
21-MAR-2024
12:51 PM
Dkt. 130 NEF**

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

Case ID: 1CTR-23-0000142

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

Filing Date / Time: THURSDAY, MARCH 21, 2024 12:51:37 PM

Filing Parties: Scott Suzuki

Case Type: Trust

Lead Document(s):

Supporting Document(s): 129-Order Set Date Time Hrg/Pet

Document Name: 129-Order Setting Date, Time and Place of Hearing on Petition for Instructions #6

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

This notification is being electronically mailed to:

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

Scott C. Suzuki (*suzukiaaJEFS@gmail.com*)

Emily H. Kawashima (*emily@kawashimalaw.com*)

The following parties need to be conventionally served:

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

SCOTT C. SUZUKI, ATTORNEY AT LAW

SCOTT C. SUZUKI #8181
NICOLE C. EDWARDS-MASUDA #10287
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Probate Special Counsel

**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
18-MAR-2024
03:16 PM
Dkt. 116 PET**

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 #6;
EXHIBITS "A" - "K"

HEARING:

DATE: _____

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

PETITION FOR INSTRUCTIONS #6

COMES NOW PETITIONER, SCOTT C. SUZUKI, ESQ., Probate Special Counsel in Kalima v. Hawaii, Civil No. 99-4771-12 LWC filed in the Circuit Court of the First Circuit, State of Hawaii (hereinafter "*Kalima*")¹, and hereby petitions this Court pursuant to H.R.S. §554D-201 and Hawaii Probate Rules 28, 29 and 126, for instructions as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) **HELEN H. DAVIS**
(Date of Death: May 26, 2013)
(Place of Death: Wailuku, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

ROBERT L. DAVIS
P.O. Box 2752
Wailuku, Hawaii 96793

ANDREW K. DAVIS
c/o William E. Paupe, Jr., Esq.

46-001 Kamehameha Highway #215
Kaneohe, Hawaii 96744

CECILIA H. GALLARDE

16 Kaulana Na Pua Place
Wailuku, Hawaii 96793

GEORGE KAIAHALA DAVIS (Post-Deceased)

Date of Death: September 13, 1970

(Verified by Certificate of Death filed under seal
herein)

(No Descendants)

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

ANDREW K. DAVIS has been appointed as Personal Representative of the Estate of **HELEN H. DAVIS** in Probate No. 2CLP-23-0000289 in the Circuit Court of the Second Circuit, State of Hawaii. 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. A true and correct copy of the Letters of Administration is attached hereto as **Exhibit "A"**.

(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 in Probate No. 2CLP-23-0000289, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed in the following proportions:

ROBERT L. DAVIS - 1/3

ANDREW K. DAVIS - 1/3

CECILIA H. GALLARDE - 1/3

(B) **CLARA KUULEIALOHA HOAPILI**
(Date of Death: November 14, 1999)
(Place of Death: Pearl City, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

JOANNE L. KIM
89-854 Haleakala Avenue
Waianae, Hawaii 96792

JONAH K. HOAPILI, JR.
9321 N. Lake Drive SW
Lakewood, Washington 98498

ROBIN L. TUPA
89-198B Mano Avenue
Waianae, Hawaii 96792

TODD A. HOAPILI
89-868 Lahikiola Place
Waianae, Hawaii 96792

CANDYCE N. GARRETT-TUPA

86-086 Farrington Highway, Apt. 704
Waianae, Hawaii 96792

MELODY K. SALE
89-1153 Pikaiolena Street
Waianae, Hawaii 96792

TRACEY H. FRAGOSO
6532 Duck Hill Springs Drive
Las Vegas, Nevada 89122

MATTHEW S. HOAPILI
3242 Hayden Street
Honolulu, Hawaii 96815

JEFFREY S. HOAPILI
397 Silverado Pines
Las Vegas, Nevada 89123

ERIC GMC HOAPILI
752 Homewillow Avenue
Las Vegas, Nevada 89123

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

(4) **PROBATE PROCEEDINGS:** NONE

Petitioner is in receipt of an Affidavit of Small Estate executed by the Deceased Class Member's daughter, **MELODY KEHAULANI SALE**. A true and correct copy of said Affidavit of Small Estate is attached hereto as **Exhibit "B"**.

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

Although the Affidavit of Small Estate does not specify who should receive the Deceased Class Member's

settlement proceeds, it sets forth facts that have been otherwise verified, which can be used to conclude the proper parties to receive these funds. 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, **JOANNE L. KIM, JONAH K. HOAPILI, JR., ROBIN L. TUPA, TODD A. HOAPILI, CANDYCE N. GARRETT-TUPA, MELODY K. SALE, TRACEY H. FRAGOSO, MATTHEW S. HOAPILI, JEFFREY S. HOAPILI, ERIC GMC HOAPILI.**

(C) **GILBERT KAHELE**
(Date of Death: January 26, 2016)
(Place of Death: Hilo, Hawaii)

(1) SURVIVING SPOUSE:

LINDA LEE KAHELE
c/o John G. Roth, Esq.
P.O. Box 1743
Kamuela, Hawaii 96743

(2) CHILDREN:

GILBERT G. KAHELE
P.O. Box 10174
Hilo, Hawaii 10174

KAIALII KAHELE
1414 Keneki Street
Hilo, Hawaii 96720

NOELANI KAHELE
1414 Keneki Street
Hilo, Hawaii 96720

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

(4) **PROBATE PROCEEDINGS:**

LINDA LEE KAHELE has been appointed as Personal Representative in P. No. 3CLP-23-0000269. A true and correct copy of the Letters of Administration is 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". 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 **LINDA LEE**

KAHELE, as Personal Representative of the Estate of
GILBERT KAHELE.

(D) **HALL EPHRAIM KAIWA**
(Date of Death: June 11, 2021)
(Place of Death: Hauula, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

MINDY KAIWA
54-243 Honomu Street
Hauula, Hawaii 96717

KELLY KAIWA
26866 172nd Place SE
Covington, Washington 98042

TRACY W. KAIWA-AALONA
54-238B Honomu Street
Hauula, Hawaii 96717

CASEY KAIWA
54-238B Honomu Street
Hauula, Hawaii 96717

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

(4) **PROBATE PROCEEDINGS:** NONE

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

The deceased class member's family has informed Petitioner that the deceased class member did not leave a last will. A search of the public record indicates that in or around 2016, the deceased class member was

appointed as successor trustee of the Kaiwa Family Trust dated July 16, 1992, pursuant to an order filed in T. No. 1TR161000068 (First Circuit Court, State of Hawaii). Petitioner has not been provided with a copy of the Kaiwa Family Trust for review.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to in equal proportions to his children: **MINDY KAIWA, KELLY KAIWA, TRACY W. KAIWA-AALONA, and CASEY KAIWA.**

(E) **GEORGE K. KIPAPA, JR.**
(Date of Death: July 13, 2011)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:**

PRISCILLA H. KIPAPA
P.O. Box 271
Kaneohe, Hawaii 96744

(2) **CHILDREN:**

SELISA H. COCKETT
P.O. Box 271
Kaneohe, Hawaii 96744

PERCY P. KIPAPA (Pre-Deceased)
Date of Death: May 16, 2005

(Verified by Certificate of Death filed under seal herein)

(No Descendants)

GEORGE K. KIPAPA
P.O. Box 231
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, 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, **PRISCILLA H. KIPAPA**.

- (F) **JAMES CARLISLE HEGERFELDT**
(Date of Death: September 24, 1997)
(Place of Death: Honolulu, Hawaii)

- (1) **SURVIVING SPOUSE:**

GRETA K. HEGERFELDT
3624 Likini Street
Honolulu, Hawaii 96818

- (2) **CHILDREN:**

JAMSIE K. HERBERT
7362 W. Parks Highway
Wasilla, Alaska 99623

BARBARA K. HEGERFELDT
91-1058 Kekuilani Loop A106
Kapolei, Hawaii 96707

LESLEY M. DELA CRUZ
91-1058 Kekuilani Loop A106
Kapolei, Hawaii 96707

DARYL M. HOKOANA
3624 Likini Street
Honolulu, Hawaii 96818

ERIC B. HEGERFELDT (Post-Deceased)
Date of Death: December 20, 1997

(Verified by www.FindAGrave.com)

(No Descendants)

AARON C. HEGERFELDT (Post-Deceased)
Date of Death: September 22, 2001

(Verified by www.FindAGrave.com)

SHARON DODSON
5840 Duneville Street
Las Vegas, Nevada 89118

MARLENE CONN
8035 N 11th Street
Phoenix, Arizona 85020

(3) OTHER INTESTATE HEIRS:

JAST HEGERFELDT (Descendant of **AARON HEGERFELDT**)
15-717 Puni Mauka Loop N.
Pahoa, Hawaii 96778

NOAH HEGERFELDT (Descendant of **AARON HEGERFELDT**)
15-1806 32nd Avenue
Keaau, Hawaii 96749

AMANDA HEGERFELDT (Descendant of **AARON HEGERFELDT**)
P.O. Box 893447
Mililani, Hawaii 96789

RYAN HEGERFELDT (Descendant of **AARON HEGERFELDT**)
68-3505 Kaapii Place
Waikoloa, Hawaii 96738

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

Petitioner has been informed that the deceased class member's children, **AARON C. HEGERFELDT, SHARON DODSON,** and **MARLENE CONN** are not also the descendants of the deceased class member's surviving spouse, **GRETA K. HEGERFELDT.**

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

(G) **TAMMY KUUIPO-NOHEA KE**
(Date of Death: November 8, 2013)
(Place of Death: Pahala, Hawaii)

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

HOPE KE-LEIBNER

c/o Kimberly Koide Iwao, Esq.
P.O. Box 240269
Honolulu, Hawaii 96824

JOHN KUUALOHAKANE KE

1914 S.E. 2nd Place
Battle Ground, Washington 98604

SKY KE

436 S.E. 197th Avenue #6
Portland, Oregon 97233

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

HOPE KE-LEIBNER has been appointed to act as Personal Representative of the deceased class member's estate in P. No. 3CLP-23-0000316. A true and correct copy of the Letters of Administration appointing the Personal Representative is attached hereto as **Exhibit "D"**. 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, **HOPE KE-LEIBER, JOHN KUUALOHAKANE KE, and SKY KE.**

(H) **RITA THERESA NOHOPAO MAHAULU**
(Date of Death: January 14, 2015)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE: NONE**

(2) **CHILDREN:**

MARIAN KEKULAMANU GAEA
DEREK KEALII MAHAULU
CLAYTON PINIALUA MAHAULU
BERTRAM KAKULU MAHAULU
c/o William E. Paupe, Jr.
46-001 Kamehameha Highway #215
Kaneohe, Hawaii 96744

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

(4) **PROBATE PROCEEDINGS:**

MARIAN KEKULAMANU GAEA, DEREK KEALII MAHULU, CLAYTON PINIALUA MAHAULU and BERTRAM KAKULU MAHAULU have been appointed as Co-Personal Representatives in P. No. 1CLP-

23-0000753. A true and correct copy of the Letters of Administration appointing the Co-Personal Representatives is attached hereto as **Exhibit "E"**. Pursuant to the Letters of Administration, the Personal Representatives have 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, **MARIAN KEKULAMANU GAEA, DEREK KEALII MAHULU, CLAYTON PINALUA MAHAULU** and **BERTRAM KAKULU MAHAULU**.

(I) **WALTER ALEONG MOKULEHUA JR.**
(Date of Death: August 13, 2016
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:**

KAALA J. MOKULEHUA
c/o Ng & Niebling, LLC
3604 Waialae Avenue
Honolulu, Hawaii 96816

(2) **CHILDREN:**

KEVIN K. MOKULEHUA
7251 Pulehu Street
Honolulu, Hawaii 96825

KRISTI K. MOKULEHUA
41-615 Mekia Street
Waimanalo, Hawaii 96795

JONAH P. MOKULEHUA
41-615 Mekia Street
Waimanalo, Hawaii 96796

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

(4) **PROBATE PROCEEDINGS:**

KAALA J. MOKULEHUA has been appointed as Personal Representative in in P. No. 1CLP-23-0000719. A true and correct copy of the Letters of Administration appointing the Personal Representative is attached hereto as **Exhibit "F"**. Pursuant to the Letters of Administration, the Personal Representative shall have 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, **KAALA J. MOKULEHUA.**

(J) **CLIFFORD PRAIS**
(Date of Death: September 14, 2021)
(Place of Death: Wailuku, Hawaii)

(1) SURVIVING SPOUSE:

ELLEN R. PRAIS
c/o Meg Obenauf, Esq.
1930 E. Vineyard Street
Wailuku, Hawaii 96793

(2) CHILDREN:

LEAH L.K. QUINIOLA
731 S. Kei Place
Kahului, Hawaii 96732

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

ELLEN R. PRAIS has been appointed to act as Personal Representative of the deceased class member's estate in P. No. 2CLP-23-0000159. 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 **ELLEN R. PRAIS**, as Personal Representative of the Estate of **CLIFFORD PRAIS**.

(K) **FRANCIS AWAA HUI**
(Date of Death: April 13, 2005)
(Place of Death: Kamuela, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

SANDRA E. AH SAM
209 N. Locust Street, Apt. 1
Glenwood, Iowa 51534

DOROTHY L. HUI
6150 Mcleod Lane NE
Keizer, Oregon 97303

FRANCIS K. HUI
5525 4th Street, Apt. 91
Lubbock, Texas 79416

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

(4) **PROBATE PROCEEDINGS:** NONE

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

The deceased class member left a last will and testament that was not admitted to probate. Said will directs the distribution of the deceased class member's (1) personal

effects and possessions to **DOROTHY L. HUI**, (2) Hawaiian Homelands pastoral lot to **DOROTHY L. HUI** and **SANDRA E. AH SAM**, (3) Operating Engineers pension benefits to **DOROTHY L. HUI**, and (4) Laborers pension benefits to **SANDRA E. AH SAM**. The will does not give instruction regarding the distribution of any remaining assets or residuary estate. A true and correct copy of the Last Will and Testament of Francis Awa Hui dated March 1, 2003 is 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 in the following proportions:

SANDRA E. AH SAM - ONE-THIRD (1/3)

DOROTHY L. HUI - ONE-THIRD (1/3)

FRANCIS K. HUI - ONE-THIRD (1/3)

(L) **SIDNEY KALEILEHUA SPENCER**
(Date of Death: March 29, 2021)
(Place of Death: San Bernadino, California)

(1) **SURVIVING SPOUSE:**

KARAN S. SPENCER
805 Monterey Street
Redlands, California 92373

(2) **CHILDREN:**

KAHIWA S. SPENCER
805 Monterey Street
Redlands, California 92373

KALEO S. SPENCER
944 Lapis Court
Corona, California 92883

(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 **KARAN S. SPENCER.**

(M) **ALBERT KAENAKAPUOKALANI WALTJEN**
(Date of Death: September 26, 2019)
(Place of Death: Hilo, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

DANE K. WALTJEN
c/o Thomas R. Daniel, Esq.
737 Bishop Street, Suite 1450
Honolulu, Hawaii 96813

SHANNON P. WALTJEN
808 Drew Court
Cheyenne, Wyoming 82007

DEAN K. WALTJEN
351 Maddies Way
Cheyenne, Wyoming 82007

IRENE K. HOFFMAN
18110 137th Street Ct E
Bonneylake, Washington 98391

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

(4) **PROBATE PROCEEDINGS:**

DANE K. WALTJEN has been appointed to act as Personal Representative of the deceased class member's estate in P. No. 3CLP-23-0000103. A true and correct copy of the Letters of Administration appointing the Personal Representative is attached hereto as **Exhibit "I"**.

(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 **DANE K. WALTJEN**, as Personal Representative of the Estate of **ALBERT KAENAKAPUOKALANI WALTJEN**.

(N) **KALEPAOKEKAIKUHALA HUDDY MOCK SING LUM**
(Date of Death: August 21, 2016)
(Place of Death: Ewa Beach, Hawaii)

(1) **SURVIVING SPOUSE:**

WILETTE LEILANI LUM
91-1007 Huluhulu Street
Ewa Beach, Hawaii 96706

(2) **CHILDREN:**

DYLAN L. LUM
91-1007 Huluhulu Street
Ewa Beach, Hawaii 96706

SERENA L. LUM
91-1007 Huluhulu Street
Ewa Beach, Hawaii 96706

TYRA H. LUM
91-1007 Huluhulu Street
Ewa beach, Hawaii 96706

(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 descendants are also the descendants of the deceased class member's surviving spouse. On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to his surviving spouse, **WILETTE LEILANI LUM.**

(0) **LOVELL FRANKLIN KALEIKINI**
(Date of Death: January 11, 2020)
(Place of Death: Kaneohe, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

CRAIG C.K. KALEIKINI
c/o Richard J. Sakoda, Esq.
201 Merchant Street, Suite 950
Honolulu, Hawaii 96813

LOVELL F.N. KALEIKINI
95-219 Hooni Place
Mililani, Hawaii 96789

SHANNON L.K. FUKUDA-KALEIKINI
91-1280 Kaneoneo Street
Kapolei, Hawaii 96707

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

(4) **PROBATE PROCEEDINGS:**

CRAIG C.K. KALEIKINI has been appointed to act as Personal Representative of the deceased class member's

estate in P. No. 1CLP-23-0000245. A true and correct copy of the Letters Testamentary appointing the Personal Representative is attached hereto as **Exhibit "J"**.

(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 **CRAIG C.K. KALEIKINI**, as Personal Representative of the Estate of **LOVELL FRANKLIN KALEIKINI**.

(P) **JOHANNA ELIKOLANI CORREA**
(Date of Death: July 4, 2017)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

EDWARD L. CORREA JR.
643 Papahehi Place
Honolulu, Hawaii 96821

(2) CHILDREN:

EDWARD L. CORREA III
653 Kaekeeke Way
Honolulu, Hawaii 96821

JOHN-RICHARD M. CORREA
653 Kaekeeke Way
Honolulu, Hawaii 96821

MARY-LINDSEY K. CORREA
643 Papahehi Place
Honolulu, Hawaii 96821

ANGELA-JO L. CORREA-PEI
643 Papahehi Place
Honolulu, Hawaii 96821

MICHAEL-FRANCIS L. CORREA
643 Papahehi Place
Honolulu, Hawaii 96821

(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 **EDWARD L. CORREA JR.**

(Q) **BERNICIA KAOPIO**
(Date of Death: October 12, 2010)
(Place of Death: Ewa Beach, Hawaii)

(1) SURVIVING SPOUSE:

MATTHEW K. KAOPIO, SR.
91-568 Puhilaka Place
Ewa, Hawaii 96706

(2) CHILDREN:

IRENE LEILANI K. BRIGHT
4676 Mailihuna Road
Kapaa, Hawaii 96746

BREDE N. KAOPIO
91-568 Puhilaka Place
Ewa, Hawaii 96706

KIMBALL K. KAOPIO
91-568 Puhilaka Place
Ewa, Hawaii 96706

BERNICIA P. COOPER
91-568 Puhilaka Place
Ewa, Hawaii 96706

MATTHEW K. KAOPIO, JR. (Post-Deceased)
Date of Death: December 25, 2018

(Verified by obituary published online by Ballard Family
Moanalua Mortuary)

(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, 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 deceased class member's surviving spouse, **MATTHEW K. KAOPIO, SR.**

(R) **LEROY K. PUKAHI, JR.**
(Date of Death: November 13, 2015)
(Place of Death: Kapolei, Hawaii)

(1) SURVIVING SPOUSE:

AGNES K. PUKAHI
c/o Sheryll D. Bonilla, Esq.
1562 Pensacola Street
Honolulu, Hawaii 96822

(2) CHILDREN:

EPHRAIM M. YEEPOONG
770 South Sherman Avenue, Apt. B
Corona, California 96882

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

AGNES K. PUKAHI has been appointed to act as Personal Representative of the deceased class member's Estate in Probate No. 1CLP-23-0000729. A true and correct copy of the Letters of Administration appointing the Personal Representative is attached hereto as **Exhibit "K"**.

(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 **AGNES K. PUKAHI**, as Personal Representative of the Estate of **LEROY KEAWE PUKAHI, JR.**

(S) **RANDOLPH MEDEIROS**
(Date of Death: April 3, 2014)
(Place of Death: Kailua, Hawaii)

(1) SURVIVING SPOUSE: NONE

(2) CHILDREN:

TIARE M. KEALOHA
47-456 Alawiki Street
Kaneohe, Hawaii 96744

JUSTIN K. MEDEIROS
47-456 Alawiki Street
Kaneohe, Hawaii 96744

KRISTIE K. MEDEIROS (Post-Deceased)
Date of Death: August 20, 2021

(Verified by obituary published online by Hawaiian Memorial Park Mortuary)

(3) OTHER INTESTATE HEIRS:

SAVANNAH MEDEIROS (Descendant of **KRISTIE K. MEDEIROS**)
4890 Kapolei Parkway
Kapolei, Hawaii 96707

DOMINICK HOWARD (Descendant of **KRISTIE K. MEDEIROS**)
4890 Kapolei Parkway
Kapolei, Hawaii 96707

(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:

TIARE M. KEALOHA - 1/3

JUSTIN K. MEDEIROS - 1/3

SAVANNAH MEDEIROS - 1/6

DOMINICK HOWARD - 1/6

(T) MARSHALL ALLEN MEYER SR.
(Date of Death: July 25, 2021)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

SUSAN KAOHU MEYER
87-122 Nanaikeola Street B204
Waianae, Hawaii 96792

(2) CHILDREN:

SHAYNE M. KAHALENAHI
89-327 Haeakala Avenue
Waianae, Hawaii 96792

SHELLY U. KU
89-156 Nanaikala Place
Waianae, Hawaii 96792

MARSHALL A. MEYER JR.
89-201 Lepeka Avenue
Waianae, Hawaii 96792

ALLEN-LEE K. MEYER
89-349 Pua Avenue
Waianae, Hawaii 96792

MIKE A. MEYER
89-839 Nanakuli
Waianae, Hawaii 96792

KALEO A. MEYER
87-126 Helelua Street #D106
Waianae, Hawaii 96792

(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 above-named children are descendants of the deceased class member and 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 the deceased class member's surviving spouse, **SUSAN KAOHU MEYER**.

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

12. Notice of this Petition is concurrently being served on the parties named above and by publication. A Statement of Service documenting efforts to serve each of the parties named hereinabove will be filed prior to the hearing to be scheduled for this Petition.

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

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

WHEREFORE, Petitioner prays that the Court:

A. Find that jurisdiction and venue are proper;

B. Set a date, time and place of hearing on this Petition;

C. Find that a basis exists for instructions;

D. Instruct the Trustee to make the distributions set forth hereinabove;

E. Find that, upon filing proof that the distributions have been made, the beneficiaries' interests in this Trust shall be fully satisfied and the Trustee shall have no further responsibility or liability with respect to such beneficiaries;

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

G. Grant such other relief as may be appropriate.

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

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

DATED: Honolulu, Hawaii, March 18, 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

NOTICE OF ELECTRONIC FILING

**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
18-MAR-2024
03:16 PM
Dkt. 121 NEF**

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

Case ID: 1CTR-23-0000142

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

Filing Date / Time: MONDAY, MARCH 18, 2024 03:16:40 PM

Filing Parties: Scott Suzuki

Case Type: Trust

Lead Document(s): 116-Petition for _____

Supporting Document(s): 117-Exhibit

118-Certificate of Death

119-Certificate of Death

120-Document

Document Name: 116-Petition for Instructions #6; Exhibits "A"-"K"

117-Exhibits "A"-"K" to Petition for Instructions #6

118-Certificates of Death Relating to Petition for Instructions #6 [Part 1 of 2]

119-Certificates of Death Relating to Petition for Instructions #6 [Part 2 of 2]

120-Obituaries and Find-A-Grave Information Relating to Petition for Instructions #6

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

This notification is being electronically mailed to:

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

Scott C. Suzuki (*suzukiaaJEFS@gmail.com*)

Emily H. Kawashima (*emily@kawashimalaw.com*)

The following parties need to be conventionally served:
Kalima et al. v. State of Hawaii et al, (Civil No. 99-4771-1)

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