

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 #7 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:

JEREMIAH NAONE, Deceased

EDWIN STEPHEN KALAI, Deceased

WILLIAM KALUAALII KALAKAU III, Deceased

SHIRLEYANN KAMELANI KALAMA, Deceased

ALVIN M. KALEHUAWEHE, SR., Deceased

RODNEY KALIIOKALANI KAMALU, Deceased

RITA JOYCE KANEKO, Deceased

JOHN PAUL BREDE, Deceased

JUDY MAY LEILANI KANIAUPIO, Deceased

WILLIAM KANIHO, JR., Deceased

DANIEL KANIHO, SR., Deceased

KENNETH KANIHO, SR., Deceased

LORRAINE POLI KANIHO, Deceased

IRENE M. CORDEIRO-VIERRA, Deceased

HAROLD EDWIN BERTELMANN, Deceased

MOSES SOO CHUN KAMANAOIO KIM, JR., Deceased

OCTAVIA MAIHILI CHUNG, Deceased

EVELYN HALEAKALA KUAHIWI NANI 'O MAUI CHONG-MARTIN, Deceased

MOSES KAHAULELANI IOKUA, Deceased

BERTRAM LELE AKIONA, Deceased

The date, time and place for hearing said Petition shall be Friday, JUL 19 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, APR 22 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

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1CTR-23-0000142
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Probate Special Counsel

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER

OF

THE KALIMA CLASS ACTION
SETTLEMENT TRUST DATED JUNE
23, 2023.

T. No. 1CTR-23-0000142
(Trust Proceeding)

ORDER SETTING DATE, TIME AND
PLACE OF HEARING ON PETITION FOR
INSTRUCTIONS #7

HEARING:

DATE: July 19, 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

ORDER SETTING DATE, TIME AND PLACE
OF HEARING ON PETITION FOR INSTRUCTIONS #7

The PETITION FOR INSTRUCTIONS #7 having been filed on
April 11, 2024 and good cause appearing therefor,

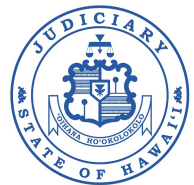
IT IS HEREBY ORDERED THAT the date, time and place for
hearing said Petition shall be Friday,

July 19, 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, April 22, 2024



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

T. No. 1CTR-23-0000142; IN THE MATTER OF THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023; ORDER SETTING DATE, TIME AND PLACE OF HEARING ON PETITION FOR INSTRUCTIONS #7.

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-APR-2024
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Probate Special Counsel

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER

OF

THE KALIMA CLASS ACTION
SETTLEMENT TRUST DATED JUNE
23, 2023.

T. No. 1CTR-23-0000142
(Trust Proceeding)

PETITION FOR INSTRUCTIONS #7;
EXHIBITS "A"- "J"

HEARING:

DATE: _____

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

PETITION FOR INSTRUCTIONS #7

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:

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.

"The Beneficiaries of the Trust are those parties who have a valid claim and/or interest 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) **JEREMIAH NAONE**
(Date of Death: October 13, 2013)
(Place of Death: Kula, Hawaii)

(1) **SURVIVING SPOUSE:**

CINDY K. KAAUAMO NAONE
214 Puuala Street
Kula, Hawaii 96790

(2) **CHILDREN:**

CHRISCILLA K. NAONE GUTIERREZ

312 E 830 S
Farmington, Utah 84025

MICHAELYNN K. NAONE VANUITERT
1711 S 200 W
Bountiful, Utah 84010

ASHLEY NAONE GOO
214 Puuala Street
Kula, Hawaii 96790

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

Petitioner is informed that both the deceased class member and his surviving spouse have children from prior relationships. However, 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 his surviving spouse, **CINDY K. KAAUAMO-NAONE**.

- (B) **EDWIN STEPHEN KALAI**
(Date of Death: October 26, 2017)
(Place of Death: Kaneohe, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

LILIANA W. KALAI
46-337 Kahuhipa Street
Kaneohe, Hawaii 96744

KAMUELA A. KALAI
51-636 Kamehameha Highway #315
Kaaawa, Hawaii 96730

EMMETT H. KALAI
45-460 Lolii Street
Kaneohe, Hawaii 96744

MONTGOMERY N. KALAI
6622 Hawaii Kai Drive
Honolulu, Hawaii 96825

(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:

LILIANA W. KALAI, KAMUELA A. KALAI, EMMETT H. KALAI,
and **MONTGOMERY N. KALAI.**

(C) **WILLIAM KALUAALII KALAKAU III**
(Date of Death: May 3, 2009)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

WILLIAM KALAKAU IV
41-207 Paupahapaha Place
Waimanalo, Hawaii 96795

DAMIEN KALAKAU
2464 Prince Edward Street, Apt. 1409
Honolulu, Hawaii 96815

WINONA KALAKAU-HATAYAMA
1414 Wilder Avenue, Apt. 1D
Honolulu, Hawaii 96822

BILLIE-JON KALAKAU
1414 Wilder Avenue, Apt. 1D
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 in equal proportions to the deceased class member's children:

WILLIAM KALAKAU IV, DAMIEN KALAKAU, WINONOA KALAKAU HATAYAMA, and BILLIE-JON KALAKAU.

(D) **SHIRLEYANN KAMELANI KALAMA**
(Date of Death: June 30, 2021)

(Place of Death: Kailua, Hawaii)

(1) SURVIVING SPOUSE: NONE

(2) CHILDREN:

JOHNNETTE K. DUARTE
25 Kailua Road
Kailua, Hawaii 96734

JOHANNA K. GERONA
2206 Kapahu Street
Honolulu, Hawaii 96813

WANDA-MAE N. HOOPII
89-161 Kauwahi Avenue
Waianae, Hawaii 96792

WALTON K. MAHOE
33 Kailua Road
Kailua, Hawaii 96734

HOWELL K. MAHOE
19 Kailua Road
Kailua, Hawaii 96734

(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:

JOHNNETTE K. DUARTE - ONE-FIFTH (1/5)

JOHANNA K. GERONA - ONE-FIFTH (1/5)

WANDA-MAE N. HOOPII - ONE-FIFTH (1/5)

WALTON K. MAHOE - ONE-FIFTH (1/5)

HOWELL K. MAHOE - ONE-FIFTH (1/5)

(E) **ALVIN M. KALEHUAWEHE, SR.**
(Date of Death: September 23, 2017)
(Place of Death: Wailuku, Hawaii)

(1) SURVIVING SPOUSE:

PAULINE KALEHUAWEHE
P.O. Box 1773
Wailuku, Hawaii 96793

(2) CHILDREN:

ALVIN M. KALEHUAWEHE, JR.
P.O. Box 414
Kihei, Hawaii 96753

REGINALEE L. KALEHUAWEHE-AVEADO
2015 Mokuhau Road, Apt. 9
Wailuku, Hawaii 96793

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

DEBRA MAHUNA, Personal Representative
c/o Meg Obenauf, Esq.
1930 E. Vineyard Street
Wailuku, Hawaii 96793

DEBRA MAHUNA was appointed to serve as Personal Representative in Probate No. 2CLP-23-0000203, filed in the Circuit Court of the Second Circuit, State of

Hawaii. A true and correct copy of the Letters of Administration appointing the Personal Representative is 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 **DEBRA MAHUNA, Personal Representative of the Estate of ALVIN M. KALEHUAWHEHE SR.**

(F) **RODNEY KALIIOKALANI KAMALU**
(Date of Death: June 9, 2016)

(Place of Death: Ivins, Utah)

(1) SURVIVING SPOUSE:

DORA E. KAMALU
910 Larkspur Road
St. George, Utah 84790

(2) CHILDREN:

DARREN K. KAMALU
85-1102 Kepauala Place
Waianae, Hawaii 96792

KYLE K. KAMALU
1125 SE 55th Avenue
Portland, Oregon 97215

MICHELLE K. ROBERTS
334 E. Southfield Road
Spanish Fork, Utah 84660

MAILE K. ROBERTS
470 E. 1980 North
Provo, Utah 84604

LAYNE K. KAMALU
1177 South 800 East
Kaysville, Utah 84037

KIMBERLY L. WILCOX
3241 Sleeping Lady Lane
Anchorage, Alaska 99515

ROXANNE K. NAUHI
3099 S. Marcrest Drive
West Valley, Utah 84128

DEANNA P. FARLEY
250 N 175 E #333
New Harmony, Utah 84757

(3) OTHER INTESTATE HEIRS: NONE

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

Petitioner has been presented with a copy of the Rodney K. and Dora E. Kamalu Family Revocable Trust dated July 9, 2013, of which the deceased class member and his surviving spouse, **DORA ELLEN KAMALU**, are Grantors and Trustees. Petitioner has been informed that there is no pour-over will of the deceased class member to direct payment to said Trust. Nevertheless, the surviving spouse, **DORA ELLEN KAMALU**, is the sole intestate heir of the deceased class member because all descendants of the deceased class member and **DORA ELLEN KAMALU** are the parties named above. If the distribution of the deceased class member's share of the settlement proceeds are distributed to **DORA ELLEN KAMALU**, she may fund said trust if she so desires.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **DORA ELLEN KAMALU**.

(G) **RITA JOYCE KANEKO**
(Date of Death: February 25, 2021)
(Place of Death: Kapolei, Hawaii)

(1) SURVIVING SPOUSE:

GARY ICHIRO KANEKO
92-210 Awaawahea way
Kapolei, Hawaii 96707

(2) CHILDREN:

JASON ROBBINS
91-1123 Kauiki Street
Ewa Beach, Hawaii 96706

CHAD KANEKO
92-210 Awaawahea Way
Kapolei, Hawaii 96707

DARREN KANEKO
92-210 Awaawahea Way
Kapolei, Hawaii 96707

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

Petitioner is informed that **JASON ROBBINS** is not the descendant of the deceased class member's surviving spouse. As can be verified by the Probate Special Master, the value of the deceased class member's claim is subject to distribution pursuant to H.R.S. § 560:2-102. Therefore, Petitioner believes that the deceased

class member's settlement proceeds should be distributed as follows:

GARY ICHIRO KANEKO - First \$100,000, plus 1/2 of any balance

JASON ROBBINS - 1/6 of balance

CHAD KANEKO - 1/6 of balance

DARREN KANEKO - 1/6 of balance

(H) **JOHN PAUL BREDE**
(Date of Death: May 4, 2017)
(Place of Death: Wahiawa, Hawaii)

(1) SURVIVING SPOUSE:

GLADYS S. BREDE (Post-Deceased)
Date of Death: September 16, 2022

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

(2) CHILDREN:

COLIN K.K. BREDE
95-222 Alenale Place
Mililani, Hawaii 96789

SCOTT S. BREDE
545 Queen Street #510
Honolulu, Hawaii 96813

NOLIN L.S. BREDE
91-1024 Kuniha Street
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, but it has not been admitted to probate. The Last Will is a pour-over will and devises the deceased class member's residuary estate to the Gladys S. Brede Revocable Living Trust. The nominated successor Trustee of said Trust is **COLIN K.K. BREDE**. True and correct copies of the deceased class member's Last Will and the Short Form Trust of Gladys S. Brede are collectively attached hereto as **Exhibit "B"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **COLIN K.K. BREDE, TRUSTEE OF THE GLADYS S. BREDE REVOCABLE LIVING TRUST DATED MAY 6, 2013.**

(I) **JUDY MAY LEILANI KANIAUPIO**
(Date of Death: September 4, 2015)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

HERBERT KANIAUPIO III
41-602 Bell Street
Waimanalo, Hawaii 96795

HERB KANIAUPIO
41-640 Puha Street
Waimanalo, Hawaii 96795

CHRIS KANIAUPIO
41-640 Puha Street
Waimanalo, Hawaii 96795

JULIANNE KANIAUPIO
41-640 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 following proportions:

HERBERT KANIAUPIO - ONE-FOURTH (1/4)

HERB KANIAUPIO - ONE-FOURTH (1/4)

CHRIS KANIAUPIO - ONE-FOURTH (1/4)

JULIANNE KANIAUPIO - ONE-FOURTH (1/4)

- (J) **WILLIAM KANIHO, JR.**
(Date of Death: November 27, 2007)
(Place of Death: Aiea, Hawaii)

(1) SURVIVING SPOUSE:

HENRIETTA KANIHO (Post-Deceased)
(Date of Death: February 15, 2018)

(Verified by Certificate of Death filed under seal herein)

(2) CHILDREN:

ERDMAN KANIHO (Pre-Deceased)
(Date of Death: June 13, 1987)

(Verified by Certificate of Death filed under seal herein)

JAMES KANIHO (Post-Deceased)
(Date of Death: October 4, 2022)

(Verified by Certificate of Death filed under seal herein)

HENRIETTA CRABBE (Post-Deceased)
(Date of Death: August 14, 2018)

(Verified by Certificate of Death filed under seal herein)

CHARLOTTE TORRES
655 Albert Way
Campbell, California 95008

JUNE MOLINARI
16255 W Pima Street
Goodyear, Arizona 85338

NOREEN PINE
85-1009 Mill Street
Waianae, Hawaii 96792

(3) OTHER INTESTATE HEIRS:

URSULA LESSARY (Descendant of **ERDMAN KANIHO**)
8036 Divernon Avenue
Las Vegas, Nevada 89149

(4) **PROBATE PROCEEDINGS:** NONE

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

The deceased class member left a last will, but it has not been admitted to probate. The deceased class member's last will is a pour-over will that directs his residuary estate to his revocable living trust. True and correct copies of the deceased class member's last will and the William Kaniho, Jr. Revocable Living Trust dated May 10, 1994, as amended, are collectively attached hereto as **Exhibit "C"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **CHARLOTTE TORRES, Trustee of the William Kaniho, Jr. Revocable Living Trust dated May 10, 1994, as amended.**

(K) **DANIEL KANIHO SR.**

(Date of Death: April 20, 1999)

(Place of Death: Waimea-Kamuela, Hawaii)

(1) **SURVIVING SPOUSE:**

NORMA JOAN KUULEI KANIHO (Post-Deceased)

Date of Death: April 25, 2019

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

(2) CHILDREN:

DANIEL KANIHO, JR.
1245 S Willow Street
Canby, Oregon 97013

KEITH KANIHO
P.O. Box 1251
Kamuela, Hawaii 96743

DARREN KANIHO
P.O. Box 2070
Keaau, Hawaii 96749

DANETTE PERREIRA
64-163 Makaloa Loop
Kamuela, Hawaii 96743

(3) OTHER INTESTATE HEIRS:

SHANNON AVEIRO (Descendant of **NORMA JOAN KUULEI KANIHO**)
61-4131 Kalooloo Drive
Kamuela, Hawaii 96743

SHANNETTE KALANIOPIO (Descendant of **NORMA JOAN KUULEI KANIHO**)
61-4036 Honouli Street
Kamuela, Hawaii 96743

SHAYNEE KAAIHILI (Descendant of **NORMA JOAN KUULEI KANIHO**)
68-175 Kualapa Place
Waikoloa, Hawaii 96738

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

Petitioner is informed that **DANIEL KANIHO, JR., KEITH KANIHO, DARREN KANIHO,** and **DANETTE PERREIRA** are the

descendants of the deceased class member, but they are not also the descendants of the deceased class member's surviving spouse, **NORMA JOAN KUULEI KANIHO**.

As can be verified by the Probate Special Master, the value of the deceased class member's claim is subject to distribution pursuant to H.R.S. § 560:2-102. Thus, had **NORMA JOAN KUULEI KANIHO** survived to the completion of settlement, she would have been entitled to the deceased class member's share of the *Kalima* settlement proceeds. There are no known probate proceedings for **NORMA JOAN KUULEI KANIHO**.

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 descendants of **NORMA JOAN KUULEI KANIHO: SHANNON AVEIRO, SHANNETTE KALANIOPIO, and SHAYNEE KAAHILI**.

(L) **KENNETH KANIHO, SR.**
(Date of Death: May 17, 2013)
(Place of Death: Kamuela, Hawaii)

(1) **SURVIVING SPOUSE:**

LORRAINE POLI KANIHO (Post-Deceased)

Date of Death: February 6, 2016

(Verified by Certificate of Death filed under seal herein)

(2) CHILDREN:

GARY KANIHO

13201 Calle Azul S.E.
Albuquerque, New Mexico 87123

GUY KANIHO

73-4341 Kukulu Place
Kailua-Kona, Hawaii 96710

SHARON PETERSON

1800 Dark Moon Lane
Bisbee, Arizona 85603

BLANCHE BATCHELDER

10194 Sweet Holly Place
Las Vegas, Nevada 89149

KENNETH KANIHO, JR. (Pre-Deceased)

Date of Death: June 17, 2000

(Verified by Certificate of Death filed under seal herein)

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

Had the deceased class member's surviving spouse, **LORRAINE POLI KANIHO**, survived to completion of the settlement, she would have been entitled to the deceased class member's share. However, because she

has also died, her interests would pass to her estate. Petitioner has determined that her intestate heirs are the same as those would have been the deceased class member's intestate heirs if **LORRAINE POLI KANIHO** did not survive the deceased class member.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed in equal proportions to **GARY KANIHO, GUY KANIHO, SHARON PETERSON,** and **BLANCHE BATCHELDER.**

(M) **LORRAINE POLI KANIHO**
(Date of Death: February 6, 2016)
(Place of Death: Kamuela, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

GARY KANIHO
13201 Calle Azul S.E.
Albuquerque, New Mexico 87123

GUY KANIHO
73-4341 Kukulu Place
Kailua-Kona, Hawaii 96710

SHARON PETERSON
1800 Dark Moon Lane
Bisbee, Arizona 85603

BLANCHE BATCHELDER
10194 Sweet Holly Place
Las Vegas, Nevada 89149

KENNETH KANIHO, JR. (Pre-Deceased)
Date of Death: June 17, 2000

(Verified by Certificate of Death filed under seal herein)

- (3) **OTHER INTESTATE HEIRS:** NONE
- (4) **PROBATE PROCEEDINGS:** NONE
- (5) **LAST WILL NOT ADMITTED TO PROBATE:** 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 **GARY KANIHO, GUY KANIHO, SHARON PETERSON,** and **BLANCHE BATCHELDER.**

(N) **IRENE M. CORDEIRO-VIERRA**
(Date of Death: January 20, 2023)
(Place of Death: Honolulu, Hawaii)

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

RICHARD H. VIERRA
55-050 Kamehameha Highway
Laie, Hawaii 96762
- (3) **OTHER INTESTATE HEIRS:** NONE
- (4) **PROBATE PROCEEDINGS:** NONE
- (5) **LAST WILL NOT ADMITTED TO PROBATE:**

The deceased class member left a Last Will, which pours over to the "Revocable Trust of Irene M. Cordeiro-Vierra dated November 15, 1989". True and correct copies of the deceased class member's Last Will and Declaration of Trust are collectively attached hereto as Exhibit "D". Said Trust indicates that the deceased class member's spouse is **ALBERT E. CORDEIRO**. **ALBERT E. CORDEIRO** predeceased the deceased class member, as confirmed by the deceased class member's death certificate.

Pursuant to Article VIII, Section 3(a) of the Trust, **RICHARD H.K. VIERRA** would be the successor Trustee of the Trust.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **RICHARD H.K. VIERRA, Trustee of the Revocable Trust of Irene M. Cordeiro-Vierra dated November 15, 1989**.

(0) **HAROLD EDWIN BERTELMANN**
(Date of Death: July 13, 2015)

(Place of Death: Naalehu, Hawaii)

(1) SURVIVING SPOUSE: NONE

(2) CHILDREN:

KEVIN M. BERTELMANN

P.O. Box 191
Mountain View, Hawaii 96771

CHRIS P. BERTELMANN

P.O. Box 191
Mountain View, Hawaii 96771

KAREN CORPUZ

P.O. Box 191
Mountain View, Hawaii 96771

ROXANNE N. BERTELMANN (Post-Deceased)

Date of Death: December 5, 2021

(Verified by Certificate of Death filed under seal
herein)

BARRON B. BERTELMANN

66-1747 Alaneo Street
Kamuela, Hawaii 96743

EDWIN R. BERTELMANN

P.O. Box 191
Mountain View, Hawaii 96771

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE:

The deceased class member left a Last Will, but it has not been admitted to probate. The Last Will appears to have been executed as a valid testamentary instrument.

Said Last Will is a pour-over will, devising the entire residuary estate to the Harold E. Bertelmann Revocable Living Trust dated March 10, 2010. The current designated Trustee is **KEVIN M. BERTELMANN**. True and correct copies of the deceased class member's Last Will and Short Form Trust are collectively 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 **KEVIN M. BERTELMANN, Trustee of the Harold E. Bertelmann Revocable Living Trust dated March 10, 2010.**

(P) **MOSES SOO CHUN KAMANAOIO KIM, JR.**
(Date of Death: April 17, 2021)
(Place of Death: Aiea, Hawaii)

(1) SURVIVING SPOUSE:

LISA H. KUWASAKI-KIM
P.O. Box 267
Kualapuu, Hawaii 96757

(2) CHILDREN:

MILANEE KIM-ST. HILL
104 Plumtree Way
Cary, North Carolina 27518

MOMILANI K. NUUHIWA
P.O. Box 178

Laupahoehoe, Hawaii 96764

MONN-EL STELDAND K. KIM
44 Noeau Street
Hilo, Hawaii 96720

MICHURLINN K. KIM
P.O. Box 178
Laupahoehoe, Hawaii 96764

(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 is attached hereto as **Exhibit "F"**. Said Last Will, at Article VI, leaves the deceased class member's residuary estate to his surviving spouse, **LISA H. KUWASAKI KIM.**

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **LISA H. KUWASAKI KIM.**

(Q) **OCTAVIA MAIHILI CHUNG**
(Date of Death: November 14, 2016)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

GLENN K. CHUNG

827 Kainui Drive
Kailua, Hawaii 96734

ESMOND K. CHUNG

46-318 Haiku Road #48
Kaneohe, Hawaii 96744

EDWARD K. CHUNG III

2251 Mohala Way
Honolulu, Hawaii 96734

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

(4) **PROBATE PROCEEDINGS:**

Prior probate proceedings have been completed in P. No. 16-1-0720. The sole devisee under the Last Will admitted to probate is the Octavia M. Chung Trust dated December 30, 1993. True and correct copies of the deceased class member's last will admitted to probate and her Short Form Trust are collectively attached hereto as Exhibit "G".

(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 **GLENN K.**

**CHUNG and ESMOND K. CHUNG, Co-Trustees under the
Octavia M. Chung Trust dated December 30, 1993.**

**(R) EVELYN HALEAKALA KUAHIWI NANI 'O MAUI CHONG-MARTIN
(Date of Death: June 6, 2019)
(Place of Death: Ocean View, Hawaii)**

(1) SURVIVING SPOUSE:

MERLE MARTIN (Post-Deceased)
Date of Death: April 29, 2020

(Verified by Certificate of Death filed under seal
herein)

(2) CHILDREN:

LAURA M. SHARPE
P.O. Box 44412
Kamuela, Hawaii 96743

DAVID K. SHARPE
P.O. Box 6250
Ocean View, Hawaii 96737

DAWN M. DELEON
P.O. Box 6552
Ocean View, Hawaii 96737

CHARLES K. SHARPE
P.O. Box 6013
Ocean View, Hawaii 96737

GORDON K. SHARPE
P.O. Box 6236
Ocean View, Hawaii 96737

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE:

The deceased class member executed a Last Will dated May 6, 2008, but it has not been admitted to probate. A true and correct copy of her Last Will is attached hereto as **Exhibit "H"**. Said Last Will appears to have been validly executed as a testamentary instrument and devises the deceased class member's residuary estate to **DAWN M. DELEON** and **LAURA M. SHARPE**, equally.

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:

LAURA M. SHARPE - ONE-HALF (1/2)

DAWN M. DELEON - ONE-HALF (1/2)

(S) **MOSES KAHAULELANI IOKUA**
(Date of Death: December 6, 2004)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

MOSES IOKUA, JR.
89-1075 Pohakupalena
Waianae, Hawaii 96792

PALMYRA KAMEALOHA HETHCOTE

P.O. Box 1513
Pahoa, Hawaii 96778

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

The deceased class member left a Last Will dated October 9, 1991, but it has not been admitted to probate. Said Last Will appears to have been validly executed and a true and correct copy is attached hereto as Exhibit "I".

The deceased class member's Last Will, at Article IV, distributes the deceased class member's residuary estate to his spouse, **HANNAH IOKUA**, if she shall be surviving. In the event that she is not surviving, the deceased class member's residuary estate shall be distributed to **MOSES IOKUA, JR.** Petitioner is informed that **HANNAH IOKUA** pre-deceased the deceased class member and died on or about April 26, 1993 (verified by her Certificate of Death, filed under seal herein).

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **MOSES IOKUA, JR.**

(T) **BERTRAM LELE AKIONA**
(Date of Death: April 30, 2014)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

BERNADETTE K. PARK
P.O. Box 133
Kailua, Hawaii 96734

CARMELA A. BOZINA
1831 4th Street
Hood River, Oregon 97031

GARRET M. AKIONA (also known as **BERTRAM GARRET AKIONA**)
P.O. Box 6614
Hilo, Hawaii 96720

ARNETT E. AKIONA
23526 Breckenridge Forest Drive
Spring, Texas 77373

DEBRA M.G. RIOS
6200 Meadowood Mall Cir. #525
Reno, Nevada 89502

(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 3, 1996, but it has not been admitted to probate. Said Last Will appears to have been validly executed and a true and correct copy is attached hereto as Exhibit "J".

Said Last Will leaves the deceased class member's residuary estate to his spouse, **GLORIA JUNE AKIONA**, who predeceased him on September 13, 2007 (verified by her Certificate of Death, filed under seal herein). The contingent distribution is "in equal shares, to my children" pursuant to Article Fifth of said Last Will.

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:

BERNADETTE K. PARK - ONE-FIFTH (1/5)

CARMELA A. BOZINA - ONE-FIFTH (1/5)

GARRET M. AKIONA (also known as **BERTRAM GARRET AKIONA**)
- ONE-FIFTH (1/5)

ARNETT E. AKIONA - ONE-FIFTH (1/5)

DEBRA M.G. RIOS - ONE-FIFTH (1/5)

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, April 11, 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