

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 #9 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:

PALANI VAUGHAN, JR., Deceased

BERNADETTE MALIA OLIVERA, Deceased

JOSEPHINE KOU DELAURA-CROW, Deceased

MIU LAN AUKAI OKU, Deceased

WILLIAM K. DANA, Deceased

VIRGINIA KANANI KAM, Deceased

WILLIAM MANUEL MAHI, Deceased

ELIZABETH HAMMACK, Deceased

BERNICE MARY EMMSLEY, Deceased

CLYDE J. EMMSLEY, Deceased

ELEANOR K. MIHAL, Deceased

ANGELINE KEALOHAPILI GARCES, Deceased

HERBERT SUN MUNG KALENA HEW LEN, Deceased

HOSEA APELE KALUAU, Deceased

HANNAH LOUISA ANTONIO, Deceased

DANIEL DUKE NICHOLAS, Deceased
JOHN LANAKILA SPENCER, Deceased
NOBLE LANAKILA SPENCER, Deceased
FRANCIS M.K.B. CAMP, Deceased
MAY SCHUTTE FERNANDEZ, Deceased
VIOLA KAUIHAI KAUWE, Deceased
ELSIE ULULANI VALENTE, Deceased
MYRTLE KUULEIALOHA PUNG, Deceased
ELEANOR BELL, Deceased
MONA LEIALOHA ESTEVEZ, Deceased
ROSE PUAPIKAKE KARRATTI CHANG, Deceased
LURLINE HINANO LEE, Deceased
HANNAH HEANU PURDY LEKELESA, Deceased
JIMMY FRANCIS MANNER, Deceased
MARY KUNEWEA SUE SIN PUAA MURRAY, Deceased

The date, time and place for hearing said Petition shall be Friday, SEP 13 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, JUN 18 2024.

R. CAMPOS

Clerk of the Above-Entitled Court

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

SCOTT C. SUZUKI, ATTORNEY AT LAW

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

**Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
18-JUN-2024
01:38 PM
Dkt. 323 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 #9

HEARING:

DATE: SEP 13 2024

TIME: 10:00 a.m.

JUDGE: Hon. Jeannette H.
Castagnetti

ORDER SETTING DATE, TIME AND PLACE
OF HEARING ON PETITION FOR INSTRUCTIONS #9

The PETITION FOR INSTRUCTIONS #9 having been filed on
May 24, 2024, and good cause appearing therefor,

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

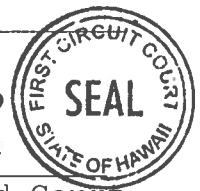
SEP 13 2024, at 10:00 a.m. in the courtroom of
the Judge of the above-entitled Court who shall be sitting in
probate, in Ka`ahumanu Hale, 777 Punchbowl Street, Honolulu,
Hawaii 96813.

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, JUN 18 2024

/s/ R. So



Clerk of the Above-Entitled Court

T. No. 1CTR-23-0000142; IN THE MATTER OF THE KALIMA CLASS ACTION SETTLEMENT TRUST DATED JUNE 23, 2023; ORDER SETTING DATE, TIME AND PLACE OF HEARING ON PETITION FOR INSTRUCTIONS #9.

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
24-MAY-2024
02:08 PM
Dkt. 250 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 #9;
EXHIBITS "A"- "T"

HEARING:

DATE: _____

TIME: 10:00 a.m.

JUDGE: Hon. Jeanette H.
Castagnetti

PETITION FOR INSTRUCTIONS #9

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) **PALANI VAUGHAN, JR.**
(Date of Death: December 8, 2016)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

ALLISON KA`ILIHWA VAUGHAN-DARVAL
c/o Michael John Madison, Esq.
6600 Kalanianaole Hwy., Suite 114
Honolulu, Hawaii 96825

KILIPAKI K.F. VAUGHAN
2288 Kolo Road
Kilauea, Hawaii 96754

CHRIS SEAN KANOHEAIKALANI WONG
813 Haawi Street
Wailuku, Hawaii 96793

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

(4) **PROBATE PROCEEDINGS:**

ALLISON KA`ILIHWA VAUGHAN-DARVAL was appointed Personal Representative of the deceased class member's Estate in Probate No. 17-1-0443, First Circuit, State of Hawaii. A true and correct copy of the Letters of Administration appointing the Personal Representative is submitted herewith as **Exhibit "A"**.

The probate matter appears to still be active, but the authority of **ALLISON KA`ILIHWA VAUGHAN-DARVAL** to serve as Personal Representative has expired.

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

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

Personal Representative of the Estate of Palani Vaughan,
Jr.³

(B) **BERNADETTE MALIA OLIVERA**
(Date of Death: June 9, 2023)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:**

HERBERT EDDIE OLIVERA
344-B Kawainui Street
Kailua, Hawaii 96734

(2) **CHILDREN:**

MIRANDA M. CARDONA
46-229 Kahuhipa Street Apt. C501
Kaneohe, Hawaii 96744

MICHELE P. KAHALEWAI
91-1090 Koanimakani Street
Kapolei, Hawaii 96707

HERBERT E. OLIVERA JR.
94-519 Meaaina Place
Waipahu, Hawaii 96797

LINDA M. OLIVERA
344B Kawainui Street
Kailua, Hawaii 96734

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

(4) **PROBATE PROCEEDINGS: NONE**

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

³ Upon Petitioner's review of the probate record and in full transparency to this Honorable Court, it appears that creditors have submitted claims against the deceased class member's estate. Petitioner therefore believes it would be prudent to distribute the deceased class member's share of the settlement proceeds to his probate estate in order to fairly address the creditors' claims.

Petitioner is informed that all of the deceased class member's children are also the children of her surviving spouse. On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to the surviving spouse, **HERBERT EDDIE OLIVERA**.

(C) **JOSEPHINE KOU DELAURA-CROW**
(Date of Death: August 31, 2019)
(Place of Death: Vallejo, California)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

JOSEPHINE K. DELAURA-ROGERS
105 Dartmouth Avenue
Vallejo, California 94589

ERNEST DELAURA, JR.
1827 Camino Estrada
Concord, California 94521

ROBERT K. DELAURA
2324 Camelback Drive
Antioch, California 94509

POLIANN NOELANI LEMASTER-TIPPMAN
106 Dove Court
Vacaville, California 95687

CHARLENE MOANIKEALA SCHAEFFER
2381 Lansdowne Place
Vallejo, California 94591

WAYNE KALIOHOLANI DELAURA (Pre-Deceased)
Date of Death: July 12, 1970

Place of Death: Sacramento, California
(Verified by Certificate of Death filed under seal
herein)

(No Descendants or spouse)

- (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 was admitted to probate in Probate No. 2LP191000197. This case has now been dismissed and there is no acting Personal Representative. However, because said Last Will has been admitted to probate, it should govern the disposition of the deceased class member's estate. Said Last Will is a pour-over will, leaving the deceased class member's residuary estate to the Delaura Family Trust. The Trustee of said Trust is **JOSEPHINE KOU DELAURA-ROGERS**. Said Last Will, a Certification of Trust and an Acceptance of Appointment are collectively submitted herewith 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 **JOSEPHINE
KOU DELAURA-ROGERS, Trustee of the Delaura Family Trust.**

(D) **MIU LAN AUKAI OKU**
(Date of Death: August 17, 2010)
(Place of Death: Ewa Beach, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

JOHN KAIPO OKU
45602 Kipawale Place
Kaneohe, Hawaii 96744

PATRICK OKU
89-320 Kawao Avenue
Waianae, Hawaii 96792

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

(4) **PROBATE PROCEEDINGS:** NONE

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

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

JOHN KAIPO OKU - ONE-HALF (1/2)
PATRICK OKU - ONE-HALF (1/2)

(E) **WILLIAM K. DANA**
(Date of Death: June 27, 2008)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

YOLANDA ELENA LOBATO DANA

c/o Sheryll D. Bonilla, Esq.
1562 Pensacola Street, Apt. 401
Honolulu, Hawaii 96822

(2) CHILDREN:

KANOELANI DANA

P.O. Box 954
Kurtistown, Hawaii 96760

KANANI DANA

4 Forest Lane Way, Apt. 2410
Toronto, Ontario Canada M2N5X8

MELELANI DANA (Post-Deceased)

Date of Death: on or about August 16, 2014

(Verified by obituary published online by Legacy.com)

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

YOLANDA DANA has been appointed as Personal Representative of the deceased class member's estate in Probate No. 3CLP-23-0000376. True and correct copies of the Letters of Administration and Petition for Adjudication of Intestacy, Determination of Heirs, and Appointment of Personal Representative are collectively submitted herewith as **Exhibit "C"**.

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

Although a Personal Representative has been appointed for the Estate of the deceased class member, Petitioner does not believe that the Petition for Adjudication of Intestacy, Determination of Heirs, and Appointment of Personal Representative filed in Probate No. 3CLP-23-0000376 correctly states the appropriate law.

According to said Petition, the deceased class member was survived by his spouse and two children who are not also the children of his surviving spouse. Pursuant to H.R.S. § 560:2-102(4), which was in effect as of the deceased class member's date of death,⁴ the surviving spouse should be entitled to the first \$100,000, plus one-half of the balance of the estate. Petitioner has not been informed whether the deceased class member's daughter, **MELELANI DANA**, had a surviving spouse or descendants. Petitioner cannot confirm if complete notice was provided in the probate proceeding.

⁴ See Act 158 (June 29, 2023) at Section 49, providing "This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date". See also Estate of Woodworth, 22 Cal. Rptr. 2d 676 (App. 1993), holding that the identity of heirs should be determined as of the date of death of the denominated party, in the absence of any contrary intent.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds could be distributed to **YOLANDA DANA, Personal Representative of the Estate of WILLIAM KANEI DANA, also known as WILLIAM K. DANA,** to be distributed in accordance with the applicable rules of intestacy, or alternatively be distributed in the following proportions:

YOLANDA ELENA LOBATO DANA - \$100,000, plus ONE-HALF (1/2) of the balance
KANOELANI DANA - ONE-SIXTH (1/6) of the balance
HEIRS AND DEVISEES OF MELELANI DANA - ONE-SIXTH (1/6) of the balance
KANANI DANA - ONE-SIXTH (1/6) of the balance

(F) **VIRGINIA KANANI KAM**
(Date of Death: August 6, 2001)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

JOSEPH KIMO HAKE KAM (Post-Deceased)
Date of Death: July 23, 2018
Place of Death: Honolulu, Hawaii

(Verified by Certificate of Death filed under seal herein)

No Known Probate Proceedings

(2) CHILDREN:

CORINNE K.S.L.K. POKIPALA
2115 Tantalus Drive
Honolulu, Hawaii 96813

LOUISE M.L.Y. KAM
1038 3rd Avenue
Honolulu, Hawaii 96816

JOSEPH K.H. KAM JR.
3317 Mooheau Avenue
Honolulu, Hawaii 96816

- (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 and provides for a distribution of the deceased class member's residuary estate to her surviving spouse, **JOSEPH KIMO HAKE KAM.**

JOSEPH KIMO HAKE KAM died after the deceased class member, as verified by his Certificate of Death, filed under seal herein. **JOSEPH KIMO HAKE KAM's** estate would be entitled to the deceased class member's settlement proceeds. Upon review of the public record, it does not appear that probate proceedings have been initiated for the estate of **JOSEPH KIMO HAKE KAM.** However, Petitioner

has been provided with a copy of the "Acceptance of Appointment", which indicates that **CORINNE K.S.L. POKIPALA** is the current-acting Trustee of the Joseph K.H. Kam, Sr. Revocable Living Trust dated August 27, 2001. This trust is to be funded by **JOSEPH KAM's** last will. True and correct copies of the deceased class member's last will, the last will of **JOSEPH KIMO HAKE KAM**, and the Acceptance of Appointment are collectively attached hereto as **Exhibit "D"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **CORINNE K.S.L. POKIPALA, Trustee of the Joseph K.H. Kam, Sr. Revocable Living Trust dated August 27, 2001.**

(G) **WILLIAM MANUEL MAHI**
(Date of Death: August 22, 2003)
(Place of Death: Aiea, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

ELIZABETH K. HAMMACK (Post-Deceased)
Date of Death: March 22, 2007

(Verified by Certificate of Death filed under seal herein)

Survived by:
RONALD HAMMACK (Spouse)
63341 East 330 Road
Jay, Oklahoma 74346

BERNICE M. EMMSLEY (Pre-Deceased)
Date of Death: December 8, 1996

(Verified by Certificate of Death filed under seal
herein)

Survived By:

JAMES K. EMMSLEY
1684 Komo Mai Drive
Pearl City, Hawaii 96782

LAURIE H. EMMSLEY
87-1621 Kanahale Road
Waianae, Hawaii 96792

LIANE U. EMMSLEY
1481 Palm Street, Unit 216
Las Vegas, Nevada 89194

CLYDE J. EMMSLEY
Date of Death: November 2, 2022

(Verified by Certificate of Death filed under seal
herein)

(No spouse or descendants)

ANDREW W. EMMSELEY
Date of Death: August 10, 2007

Verified by Certificate of Death filed under seal
herein)

Survived by:

KARALYNNE EMMSLEY (Spouse)
94-1013 Waipahu Street, Apt. 101
Waipahu, Hawaii 96797

BARBARA J. HELENIHI

94-875 Kuhaulua Street Apt. 263
Waipahu, Hawaii 96797

LORETTA L. SPENCER

94-273 Hiwahiwa Place
Waipahu, Hawaii 96797

LAVERNE L. MATANANE

92-754 Palailai Street
Makakilo, Hawaii 96707

CECELIA J. SASAKI

94-1026 Hiapo Street
Waipahu, Hawaii 96797

- (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 and leaves the deceased class member's residuary estate to the "Trustee under that certain Revocable Living Trust Agreement known as the WILLIAM M. MAHI and CECILIA S. MAHI REVOCABLE TRUST". The Trustees of said Trust are **LAVERNE MATANANE** and **CECELIA SASAKI**. True and correct copies of the deceased class member's Last Will and the Revocable Trust Agreement of William M. Mahi and

Cecilia S. Mahi dated June 16, 1992, 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 **LAVERNE MATANANE and CECELIA SASAKI, Trustees under the Revocable Trust Agreement of William M. Mahi and Cecilia S. Mahi dated June 16, 1992.**

(H) **ELIZABETH HAMMACK**
(Date of Death: March 22, 2007)
(Place of Death: Grove, Oklahoma)

(1) **SURVIVING SPOUSE:**

RONALD D. HAMMACK
63341 East 330 Road
Jay, Oklahoma 74346

(2) **CHILDREN:**

BRIDGET A. HAMMACK
7525 S Joplin Avenue #206
Tulsa, Oklahoma 74136

MALINDA HALIA MAHI
2930 W 66th Street
Tulsa, Oklahoma 74132

BETTY JANE KNUPP
4654 S. 65th W Avenue
Tulsa, Oklahoma 74107

BOBBY CURTIS SEABOURN
63341 East 330 Road
Jay, Oklahoma 74346

RONNIE SUE O'HERIN
63001 East 330 Road
Jay, Oklahoma 74136

- (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. Petitioner does not have a complete iteration of the Last Will, but from the pages that Petitioner has reviewed, it appears that it represents the deceased class member's testamentary intent. Said Last Will appears to devise the residuary estate to the Ronald Dale Hammack and Elizabeth Hammack Living Trust dated April 27, 1993. Said Last Will and the Living Trust of Ronald Dale Hammack and Elizabeth Hammack dated April 27, 1993 are collectively attached hereto as **Exhibit "F"**.

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

HAMMACK and MALINDA MAHI, Trustees of the Ronald Dale Hammack and Elizabeth Hammack Living Trust dated April 27, 1993.

(I) **BERNICE MARY EMMSLEY**
(Date of Death: December 8, 1996)
(Place of Death: Kapolei, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

JAMES K. EMMSLEY
1684 Komo Mai Drive
Pearl City, Hawaii 96782

LAURIE H. EMMSLEY
87-1621 Kanahale Road
Waianae, Hawaii 96792

LIANE U. EMMSLEY
1481 Palm Street, Unit 216
Las Vegas, Nevada 89194

CLYDE J. EMMSLEY (Post-Deceased)
Date of Death: November 2, 2022

(Verified by Certificate of Death filed under seal herein)

(No spouse or descendants)

ANDREW W. EMMSELEY
Date of Death: August 10, 2007

(Verified by Certificate of Death filed under seal herein)

Survived by:

KARALYNNE EMMSLEY (Spouse)
94-1013 Waipahu Street, Apt. 101

Waipahu, Hawaii 96797

(3) OTHER INTERESTED PARTIES:

CECELIA J. SASAKI, CO-TRUSTEE
94-1026 Hiapo Street
Waipahu, Hawaii 96797

LAVERNE L. MATANANE, CO-TRUSTEE
92-754 Palailai Street
Makakilo, Hawaii 96707

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE:

The deceased class member left a Last Will dated December 6, 1996. Said Last Will is signed and witnessed, but it is not notarized or self-proving. The Last Will is intended to pour-over to the Revocable Trust of Bernice M. Emmsley dated December 6, 1996. The Trustees of said Trust are **CECELIA J. SASAKI** and **LAVERNE L. MATANANE**. The deceased class member's Last Will and the Declaration of Revocable Trust of Bernice M. Emmsley dated December 6, 1996 are collectively attached hereto as **Exhibit "G"**.

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

settlement proceeds should be distributed to **CECELIA J. SASAKI** and **LAVERENE L, MATANANE**, Trustees of the Revocable Trust of Bernice M. Emmsley dated December 6, 1996.

(J) **CLYDE J. EMMSLEY**
(Date of Death: November 2, 2022)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:** NONE

(3) **OTHER INTESTATE HEIRS:**

JAMES K. EMMSLEY (Brother)
1684 Komo Mai Drive
Pearl City, Hawaii 96782

LAURIE ANN H. EMMSLEY (Sister)
87-1621 Kanahale Road, Unit A
Waianae, Hawaii 96792

LIANE U. EMMSLEY (Sister)
1481 Palm Street, Unit 216
Las Vegas, Nevada 89194

ANDREW WILLIAM EMMSLEY (Brother) (Pre-Deceased)
Date of Death: August 10, 2007

(Verified by Certificate of Death filed under seal herein)

(No Descendants)

(4) **PROBATE PROCEEDINGS:** NONE

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

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

JAMES K. EMMSLEY - ONE-THIRD (1/3)
LAURIE ANN H. EMMSLEY - ONE-THIRD (1/3)
LIANE U. EMMSLEY - ONE-THIRD (1/3)

(K) **ELEANOR K. MIHAL**
(Date of Death: October 7, 2022)
(Place of Death: Lihue, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

ALNA L. MECHAM
8568 A Elepaio Road #148
Kekaha, Hawaii 96752

CHRISTINE T.K. WARDLE
P.O. Box 818
Duschene, Utah 84021

MARY LOCKEY TIRADO-GORAVICA
21138 W. Chastworth Lane
Plainfield, Illinois 60544

(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

be executed as a valid testamentary instrument. Article Three of the Last Will directs the deceased class member's "residuary estate at 8568 Elepaio Road, Kekaha, Hi be distributed to Alna L. Mecham, Kekaha, Hawaii". Although there are slight ambiguities, it is clear that the deceased class member's intent was to distribute her residuary estate to **ALNA L. MECHAM**. A true and correct copy of the Last Will 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 to **ALNA L. MECHAM**.

(L) **ANGELINE KEALOHAPILI GARCES**
(Date of Death: April 20, 2007)
(Place of Death: Maunaloa, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

ZELDA-MAY K. KALILIKANE
P.O. Box 187
Maunaloa, Hawaii 96770

PETRONILO M. GARCES
P.O. Box 603
Wailuku, Hawaii 96793

DAMIEN K. GARCES, SR.
P.O. Box 1039
Kaunakakai, Hawaii 96748

ELIANA M. KALILIKANE-GARCES
P.O. Box 187
Maunaloa, Hawaii 96770

- (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 is attached hereto as **Exhibit "I"**. The residuary clause of said Last Will leaves the estate to **PETRONILO M. GARCES, ZELDA-MAY K. KALILIKANE,** and **DAMIEN K. GARCES, SR.** The Last Will appears to have been executed as a valid testamentary instrument.

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:

ZELDA-MAY K. KALILIKANE - ONE-THIRD (1/3)
PETRONILO M. GARCES - ONE-THIRD (1/3)
DAMIEN K. GARCES, SR. - ONE-THIRD (1/3)

(M) **HERBERT SUN MUNG KALENA HEW LEN**
(Date of Death: October 9, 2018)
(Place of Death: Honolulu, Hawaii)

(1) SURVIVING SPOUSE:

BEATRICE J. HEW LEN
86-303 Hukupaa Street
Waianae, Hawaii 96792

(2) CHILDREN:

DENISE K. HEW LEN
91-2047 Kaioli Street #2601
Ewa Beach, Hawaii 96706

HERBERT SUNN HOOK HEW LEN
86-303 Hukupaa Street
Waianae, Hawaii 96792

WILLIAM KAM CHIN HEW LEN
5138 W. Esposito Avenue
Las Vegas, Nevada 89141

DUANE KAM KWAI HEW LEN
86-303 Hukupaa Street
Waianae, Hawaii 96792

DARRIN KAMP PUNG HEW LEN
87-149 Pualeilani Street
Waianae, Hawaii 96792

(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 July 16, 1992, but it has not been admitted to probate. Said Last Will appears to have been validly executed as a testamentary instrument. The Last Will pours over to

the Herbert and Beatrice Hew Len Trust dated July 16, 1992. Petitioner is of the understanding that the current trustee of said Trust is **BEATRICE J.C. HEW LEN**. True and correct copies of the Last Will and the Herbert and Beatrice Hew Len Trust are collectively attached hereto as **Exhibit "J"**.

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to the **Trustee of the Herbert and Beatrice Hew Len Trust dated July 16, 1992**.

(N) **HOSEA APELE KALUAU**
(Date of Death: July 26, 2020)
(Place of Death: Holualoa, Hawaii)

(1) SURVIVING SPOUSE:

ROBERTA P. KALUAU
c/o David B. Kaapu, Esq.
75-5751 Kuakini Hwy., Suite 201
Kailua-Kona, Hawaii 96740

(2) CHILDREN:

HOLLY P. KALUAU KALAWA
74 400 Naulu Place
Kailua-Kona, Hawaii 96740

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

ROBERTA P. KALUAU has been appointed as Personal Representative of the Estate in Probate No. 3CLP-23-0000244. 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

On the basis of the foregoing, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds should be distributed to **ROBERTA P. KALUAU, Personal Representative of the Estate of Hosea Apele Kaluau, also known as Hosea Apela.**

(0) HANNAH LOUISA ANTONIO
(Date of Death: September 18, 2019)
(Place of Death: Kula, Hawaii)

(1) SURVIVING SPOUSE: NONE

(2) CHILDREN:

NAOMI ARAKI
339-A Leleihoku Street
Wailuku, Hawaii 96793

NOELANI ALMEIDA
616 Kaae Place
Wailuku, Hawaii 96793

CECILIA VISTA
P.O. Box 880136
Pukalani, Hawaii 96768

HANNAH CARVALHO-ANTONIO
55 Kumano Drive
Makawao, Hawaii 96768

CATALINO B. ANTONIO JR. (Pre-Deceased)
Date of Death: August 18, 1972

(Verified by Department of the Air Force Report of
Casualty dated August 25, 1972)

(No Descendants)

JUNE ENOMOTO (Pre-Deceased)
Date of Death: March 22, 1975

(Verified by Certificate of Death filed under seal
herein)

Survived by:

KENJI ENOMOTO (Descendant)
240 Kilioopu Street
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:

NAOMI ARAKI - ONE-FIFTH (1/5)
NOELANI ALMEIDA - ONE-FIFTH (1/5)

CECILIA VISTA - ONE-FIFTH (1/5)
HANNAH CARVALHO-ANTONIO - ONE-FIFTH (1/5)
KENJI ENOMOTO - ONE-FIFTH (1/5)

(P) DANIEL DUKE NICHOLAS
(Date of Death: October 8, 2006)
(Place of Death: Waianae, Hawaii)

(1) SURVIVING SPOUSE:

FLORENCE P. NICHOLAS
2152 Kanealii Avenue
Honolulu, Hawaii 96813

(2) CHILDREN:

DANIEL D.K. NICHOLAS
94-1007 Akihihoa Street
Waipahu, Hawaii 96797

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

On the basis of the foregoing, 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, **FLORENCE P. NICHOLAS**.

(Q) JOHN LANAKILA SPENCER
(Date of Death: May 4, 1985)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

LOUELLA NOELANI SPENCER SCHUTTE

P.O. Box 506
Kamuela, Hawaii 96743

MERVIN ARNOLD SPENCER (Post-Deceased)

Date of Death: February 15, 2010

(Verified by Certificate of Death filed under seal herein)

Surviving Spouse:

CYNTHIA M. SPENCER

P.O. Box 6387
Kamuela, Hawaii 96743

Decedent also had the following descendants:

ALLYN APELAHAMA SPENCER

64-4347 Waiahu Street
Kamuela, Hawaii 96743

JOY UILANI LUTA

P.O. Box 437474
Kamuela, Hawaii 96743

ETHAN LANAKILA SPENCER

Date of Death: January 9, 2018

(Verified by Certificate of Death filed under seal herein)

(No Spouse & No Descendants)

CY KEALA SPENCER

Date of Death: August 12, 1976

(Verified by Certificate of Death filed under seal herein)

(No Spouse & No Descendants)

NOBLE LANAKILA SPENCER (Post-Deceased)

Date of Death: December 24, 1988

(Verified by Certificate of Death filed under seal herein)

Survived by:

LORETTA L. SPENCER (spouse)

94-273 Hiwahiwa Place

Waipahu, Hawaii 96797

BRIAN M. SPENCER (child)

86-305 Hokuukali Place

Waianae, Hawaii 96792

KIM KALEINOHEA SPENCER (child)

94-1008 Hoohele St

Waipahu, Hawaii 96797

GAIL KEHAUNANI SPENCER ENOS (child)

91-0654 Wehelani St

Ewa Beach, Hawaii 96706

NOBEL'ENE LEILANI SPENCER (child)

94-273 Hiwahiwa Pl

Waipahu, Hawaii 96797

LYNN HEALANI SPENCER HERNANDEZ (child)

91-1128 Kaupea St

Kapolei, Hawaii 96707

MURRAY A. COMPOC (also known as **MURRAY L. SPENCER**)

(child)

701 Binghampton Street SE

Rainier, Washington 98576

ULULANI BERYL SPENCER (Post-Deceased)

Date of Death: February 1, 1990

(Verified by Certificate of Death filed under seal herein)

Survived by Descendants Only:

ANUHEA KAMAILE LEWIS
P.O. Box 6241
Kamuela, Hawaii 96743

CULLEN KEOPIKAI SPENCER
P.O. Box 1186
Kamuela, Hawaii 96743

KAU'I NOELANI BURGESS
94-1034 Kaaholo Street
Waipahu, Hawaii 96797

STERLING MCFARLAND SPENCER (Pre-Deceased)
Date of Death: February 17, 1974

(Verified by Certificate of Death filed under seal
herein)

Survived by:

STERLENE MOKIHANA SPENCER PALMERTON (Child)
91-1016 Kawehoalani Street
Kapolei, Hawaii 96707

STERLING MCFARLAND SPENCER, JR. (Child)
Date of Death: January 15, 2016

(Verified by Certificate of Death filed under seal
herein)

Survived by:

PEARL T. SPENCER (Spouse)
94-1080 Poe Place
Waipahu, Hawaii 96797

(3) OTHER INTESTATE HEIRS: NONE

(4) PROBATE PROCEEDINGS:

The Decedent's estate was fully probated in Probate No.
86-0216. The Estate was to be distributed pursuant to
the Order Approving Final Accounts and Distributing and

Settling Estate filed therein on or about October 3, 1989. A true and correct copy of said Order is attached hereto as Exhibit "L".

(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".

Pursuant to the Order Approving Final Accounts and Distributing and Settling Estate, the deceased class member's residuary estate was to be distributed as follows:

MERVIN ARNOLD SPENCER - 1/5 share
NOBLE LANAKILA SPENCER - 1/5 share
LOUELLA NOELANI SPENCER SCHUTTE - 1/5 share
ULULANI BERYL SPENCER - 1/5 share
STERLENE MOKIHANA SPENCER PALMERTON - 1/10 share
STERLING MCFARLAND SPENCER (presumably, JR.) - 1/10 share

Following the issuance of said Order, **MERVIN ARNOLD SPENCER, NOBLE LANAKILA SPENCER, ULULANI BERYL SPENCER,**

and **STERLING MCFARLAND SPENCER, JR.** died. Since these parties died after the deceased class member, their interests should pass to their heirs-at-law or by way of their wills and/or trusts. **NOBLE LANAKILA SPENCER** is also a deceased *Kalima* claimant and the distribution of his proceeds is set forth below, in Paragraph (R).

Probate was filed in the Circuit Court of the Third Circuit, State of Hawaii for the Estate of **MERVIN ARNOLD SPENCER** as Probate No. 10-1-0084. Letters of Administration were issued to his surviving spouse, **CYNTHIA M. SPENCER** on or about May 5, 2010, but have since expired. A true and correct copy of said Letters are attached hereto as **Exhibit "M"**.

Probate was also filed in the Circuit Court of the Third Circuit, State of Hawaii for the Estate of **ULULANI BERYL SPENCER** as Probate No. 90-168. The Estate was to be distributed pursuant to the Order Approving Final Accounts and Distributing and Settling Estate filed on or about November 25, 1994. Said Order directs the distribution of the residuary estate to **ULULANI BERYL SPENCER's** children, **CULLEN KEPOIKAI SPENCER, KAU'I**

NOELANI SPENCER (now known as **KAU'I NOELANI BURGESS**), and **ANUHEA KAMAILE LEWIS**⁵. A true and correct copy of said Order is attached hereto as **Exhibit "N"**.

Petitioner has been provided with a copy of the Last Will of **STERLING MCFARLAND SPENCER, JR.**, which was not admitted to probate. Said Last Will distributes the residuary estate of **STERLING MCFARLAND SPENCER, JR.** to his surviving spouse, **PEARL TAUFANUA SPENCER**. A true and correct copy of said Last Will is attached hereto as **Exhibit "O"**.

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:

LOUELLA NOELANI SPENCER SCHUTTE - ONE-FIFTH (1/5)
CYNTHIA M. SPENCER - ONE-FIFTH (1/5)
ANUHEA KAMAILE LEWIS - ONE-FIFTEENTH (1/15)
CULLEN KEPOIKAI SPENCER - ONE-FIFTEENTH (1/15)
KAU'I NOELANI BURGESS - ONE-FIFTEENTH (1/15)
STERLENE MOKIHANA SPENCER PALMERTON - ONE-TENTH (1/10)
PEARL TAUFANUA SPENCER - ONE-TENTH (1/10)
LORETTA LORRAINE SPENCER, as Trustee of the Loretta L. Spencer Trust, an unrecorded trust dated August 11, 1993, as amended - ONE-FIFTH (1/5)

⁵ At the time of filing of the Order Approving Final Accounts and Distributing and Settling Estate, **ANUHEA KAMAILE LEWIS** was a minor. The family has confirmed that she is now an adult.

(R) **NOBLE LANAKILA SPENCER**
(Date of Death: December 24, 1988)
(Place of Death: Wahiawa, Hawaii)

(1) **SURVIVING SPOUSE:**

LORETTA L. SPENCER
94-273 Hiwahiwa Place
Waipahu, Hawaii 96797

(2) **CHILDREN:**

BRIAN M. SPENCER
86-305 Hokuukali Place
Waianae, Hawaii 96792

KIM KALEINOHEA SPENCER
94-1008 Hoohele St
Waipahu, Hawaii 96797

GAIL KEHAUNANI SPENCER ENOS
91-0654 Wehelani St
Ewa Beach, Hawaii 96706

NOBEL'ENE LEILANI SPENCER
94-273 Hiwahiwa Pl
Waipahu, Hawaii 96797

LYNN HEALANI SPENCER HERNANDEZ
91-1128 Kaupea St
Kapolei, Hawaii 96707

MURRAY A. COMPOC (also known as **MURRAY L. SPENCER**)
701 Binghampton Street SE
Rainier, Washington 98576

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

(4) **PROBATE PROCEEDINGS:**

The deceased class member's estate was the subject of Probate No. 3LP910000159 and the deceased class member's

Last Will was admitted to probate therein. Pursuant to the Order Approving Final Accounts and Distributing and Settling Estate, the deceased class member's estate was to be distributed entirely to **LORETTA LORRAINE SPENCER**, as Trustee of the Loretta L. Spencer Trust, an unrecorded trust dated August 11, 1993, as amended. True and correct copies of the deceased class member's Last Will and the Order Approving Final Accounts and Distributing and Settling Estate are collectively attached hereto as **Exhibit "P"**.

(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 **LORETTA**

LORRAINE SPENCER, as Trustee of the Loretta L. Spencer Trust, an unrecorded trust dated August 11, 1993, as amended.

(S) **FRANCES M.K.B. CAMP**
(Date of Death: February 27, 2023)
(Place of Death: Honolulu, Hawaii)

(1) **SURVIVING SPOUSE:**

ROBERT ALLEN CAMP
1719 Nuuanu Avenue, Apt. 1C
Honolulu, Hawaii 96817

(2) **CHILDREN:**

ADAM MANALO-CAMP
4248 Nara Vista Way, Unit 201
Las Vegas, Nevada 89103

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

(4) **PROBATE PROCEEDINGS: NONE**

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

Petitioner has been informed that the deceased class member's child, **ADAM MANOLO-CAMP** is not also the child of the deceased class member's surviving spouse, **ROBERT ALLEN CAMP**. Petitioner has been provided with a document entitled "Disclaimer of Inheritance Rights" dated April 10, 2024, executed by said surviving spouse. Although this document is referred to as a "disclaimer", it

appears to be intended as an assignment. A disclaimer would have the effect of treating the deceased class member's surviving spouse as pre-deceasing the deceased class member. This might result in an alternative disposition. The intent expressed in the "Disclaimer" is that **ADAM MANALO-CAMP** receive the settlement proceeds. Said "Disclaimer" is attached hereto as **Exhibit "Q"**.

On the basis of the foregoing, Petitioner believes that said settlement proceeds should be distributed to **ADAM MANALO-CAMP**.

(T) **MAY SCHUTTE FERNANDEZ**
(Date of Death: February 21, 2000)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

WILLIAM S. FERNANDEZ JR.
91-1052 Kawahuna Street
Kapolei, Hawaii 96707

CLAUDE P.K. FERNANDEZ
86-305 Hokuaiaina Place
Waianae, Hawaii 96792

(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 March 16, 1979, which was not submitted to probate. The Last Will appears to have been executed as a valid testamentary instrument. Said Last Will devises the residuary estate to the deceased class member's spouse, **WILLIAM SANFORD FERNANDEZ**. In the event that **WILLIAM SANFROD FERNANDEZ** pre-deceased the deceased class member, her Last Will distributes her residuary estate to her children. **WILLIAM SANFORD FERNANDEZ** died on or about January 4, 1986, as evidenced by his Certificate of Death filed under seal herein. The deceased class member's Last Will is attached hereto as **Exhibit "R"**.

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:

WILLIAM S. FERNANDEZ JR. - ONE-HALF (1/2)
CLAUDE P.K. FERNANDEZ - ONE-HALF (1/2)

(U) **VIOLA KAUIHAI KAUWE**
(Date of Death: August 4, 2010)
(Place of Death: Kailua, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

JAMES LLOYD KAUWE

1663 Liholiho Street #3
Honolulu, Hawaii 96822

KENNETH D. KAUWE

1663 Liholiho Street #3
Honolulu, Hawaii 96822

DONALD P.K. KAUWE

16 Iliahi Street, Apt. A
Honolulu, Hawaii 96817

YVONNE L.K. MAMARIL

19509 99th Street Ct. E
Booney Lake, Washington 98397

(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:

JAMES LLOYD KAUWE - ONE-FOURTH (1/4)

KENNETH D. KAUWE - ONE-FOURTH (1/4)

DONALD P.K. KAUWE - ONE-FOURTH (1/4)

YVONNE L.K. MAMARIL - ONE-FOURTH (1/4)

(V) **ELSIE ULULANI VALENTE**

(Date of Death: April 10, 2010)

(Place of Death: Wailuku, Hawaii)

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

DENIS VALENTE, JR.
3239 Kihapai Place
Makawao, Hawaii 96768

MELONEY MILI KAI
9145 S. Las Vegas Blvd. 1022
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 the following proportions:

DENIS VALENTE, JR. - ONE-HALF (1/2)
MILI KAI - ONE-HALF (1/2)

- (W) **MYRTLE KUULEIALOHA PUNG**
(Date of Death: October 27, 2010)
(Place of Death: Honokaa, Hawaii)

- (1) **SURVIVING SPOUSE:**

JOSEPH PUNG (Post-Deceased)
Date of Death: February 27, 2021

(Verified by Certificate of Death filed under seal herein)

- (2) **CHILDREN:**

SAMMIE J. PUNG
P.O. Box 971
Honokaa, Hawaii 96727

FIERRY V. PUNG
P.O. Box 1216
Keauu, Hawaii 96749

DARCY L. PUNG
P.O. Box 835
Honokaa, Hawaii 96727

RORY D. PUNG
c/o **SAMMIE J. PUNG**, Guardian (see attached Exhibit "S")
P.O. Box 971
Honokaa, Hawaii 96727

CARMELA BOTEILHO
P.O. Box 626
Honokaa, Hawaii 96727

RICHARD W. PUNG
861 Kupulau Road
Hilo, Hawaii 96720

KELBY K. PUNG (Post-Deceased)
Date of Death: October 22, 2013

(Verified by Certificate of Death filed under seal
herein)

(3) OTHER INTESTATE HEIRS:

DONNA PUNG (Surviving Spouse of **KELBY K. PUNG**)
50 Maile Street, Apt. 44
Hilo, Hawaii 96720

ELLDAN PUNG (Descendant of **KELBY K. PUNG**)
50 Maile Street, Apt. 44
Hilo, Hawaii 96720

(4) PROBATE PROCEEDINGS: NONE

(5) LAST WILL NOT ADMITTED TO PROBATE: NONE

Based on the information provided to Petitioner, Petitioner believes that all of the deceased class member's children are also the children of her surviving spouse. Thus, Petitioner believes that the deceased class member's share of the *Kalima* settlement proceeds would have been distributed via intestacy to her surviving spouse, **JOSEPH PUNG**, who subsequently passed away. It is believed that **JOSEPH PUNG** was intestate. **JOSEPH PUNG's** intestate heirs would be his children, by representation.

KELBY PUNG pre-deceased **JOSEPH PUNG**, resulting in the descendants of **KELBY PUNG** taking his share by representation. Petitioner is informed that **KELBY PUNG** was survived by his only descendant, **ELLDAN PUNG**. On the basis of the foregoing, Petitioner believes that said settlement proceeds should be distributed in the following proportions:

SAMMIE J. PUNG - ONE-SEVENTH (1/7)
FIERRY V. PUNG - ONE-SEVENTH (1/7)
DARCY L. PUNG - ONE-SEVENTH (1/7)
RORY D. PUNG - ONE-SEVENTH (1/7)
CARMELA BOTEILHO - ONE-SEVENTH (1/7)
RICHARD W. PUNG - ONE-SEVENTH (1/7)

ELLDAN PUNG - ONE-SEVENTH (1/7)

(X) **ELEANOR BELL**
(Date of Death: September 11, 2022)
(Place of Death: Kahului, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

SANDRAANN L. PECKENPAUGH
14878 S.E. 279th Place
Kent, Washington 98042

(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 validly executed as a testamentary instrument and devises the Decedent's residuary estate to **SANDRAANN L. PECKENPAUGH**, who would also be the deceased class member's sole intestate heir. Said Last Will is attached hereto as Exhibit "T".

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

(Y) **MONA LEIALOHA ESTEVEZ**
(Date of Death: February 8, 1999)
(Place of Death: San Jose, California)

(1) **SURVIVING SPOUSE:**

IGNACIO MACARIO ESTEVEZ
1168 Zurich Court
San Jose, California 95132

(2) **CHILDREN:**

MONICA P. ESTEVEZ
1168 Zurich Court
San Jose, California 95132

MICHELLE H. ESTEVEZ
1168 Zurich Court
San Jose, California 95132

IGNACIO M. ESTEVEZ, JR.
1168 Zurich Court
San Jose, California 95132

(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, **IGNACIO MACARIO ESTEVEZ**.

(Z) **ROSE PUAPIKAKE KARRATTI CHANG**
(Date of Death: April 24, 2006)
(Place of Death: San Diego, California)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

DALLAS H. CHANG
6061 Banbury Street
San Diego, California 92139

DAVID H. CHANG
P.O. Box 2824
Frisco, Texas 75034

DOUGLAS H. CHANG, JR.
2105 Bryan Street
Melbourne, Florida 32901

DWIGHT H. CHANG
240 Burt Street Apt. 182
Santa Rosa, California 95407

(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:

DALLAS H. CHANG - ONE-FOURTH (1/4)
DAVID H. CHANG - ONE-FOURTH (1/4)
DOUGLAS H. CHANG, JR. - ONE-FOURTH (1/4)
DWIGHT H. CHANG - ONE-FOURTH (1/4)

(AA) **LURLINE HINANO LEE**
(Date of Death: June 3, 2009)
(Place of Death: Wahiawa, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

MAMO M. TABANGCURA
931 Peach Street
Wahiawa, Hawaii 96786

KALANI LEE
95-741 Makaunulau Street
Mililani, Hawaii 96789

MAHALO POCOCK
P.O. Box 608
Kula, Hawaii 96790

K.L., A MINOR (Pre-Deceased)
Date of Death: February 8, 1973

(Verified by Certificate of Death filed under seal
herein)

(No Descendants)

RAVON KALEO LEE (Pre-Deceased)
Date of Death: December 12, 1982

(Verified by Certificate of Death filed under seal
herein)

(No Descendants)

AVERY KEAHI LEE (Pre-Deceased)
Date of Death: December 30, 1983

(Verified by Certificate of Death filed under seal
herein)

(No Descendants)

CASTLE V. LEE, JR. (Pre-Deceased)

Date of Death: January 12, 1983

(Verified by Certificate of Death filed under seal herein)

(No Descendants)

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

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

MAMO M. TABANGCURA - ONE-THIRD (1/3)
KALANI LEE - ONE-THIRD (1/3)
MAHALO POCOCK - ONE-THIRD (1/3)

(BB) **HANNAH HEANU PURDY LEKELESA**
(Date of Death: May 4, 2007)
(Place of Death: Honokaa, Hawaii)

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

CELESTE K. KUMALAE
P.O. Box 922
Kamuela, Hawaii 96743

LUANA L. OGI
P.O. Box 735
Kamuela, Hawaii 96743

JOHN LEKELESA PURDY (Post-Deceased)

Date of Death: March 22, 2015

(Verified by Certificate of Death filed under seal herein)

(No Spouse & No Descendants)

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

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

CELESTE K. KUMALAE - ONE-HALF (1/2)
LUANA L. OGI - ONE-HALF (1/2)

(CC) **JIMMY FRANCIS MANNER**
(Date of Death: September 18, 2021)
(Place of Death: Henderson, Nevada)

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

JENNIFER LYNN HOKULANI MANNER
85-757 Lihue Street
Waianae, Hawaii 96792

DAWN K. MANNER
P.O. Box 301
Waianae, Hawaii 96792

SHAD MANNER

94-201 Pupuole Street
Waipahu, Hawaii 96797

CAROLINE MANNER

14 White Tail Ct
Henderson NV 89074

ARLENE MANNER

9257 William Hill Ave
Las Vegas, NV 89148

SERENA MANNER

85-757 Lihue Street
Waianae HI 96792

LAURA MANNER

9643 Spring Harvest
San Antonio TX 78254

HILLARY MANNER

4711 Stephanie St
Las Vegas NV 89122

- (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:

JENNIFER LYNN HOKULANI MANNER - ONE-EIGHTH (1/8)
DAWN K. MANNER - ONE-EIGHTH (1/8)
SHAD MANNER - ONE-EIGHTH (1/8)
CAROLINE MANNER - ONE-EIGHTH (1/8)
ARLENE MANNER - ONE-EIGHTH (1/8)
SERENA MANNER - ONE-EIGHTH (1/8)

LAURA MANNER - ONE-EIGHTH (1/8)
HILLARY MANNER - ONE-EIGHTH (1/8)

(DD) **MARY KUNEWA SUE SIN PUA MURRAY**
(Date of Death: March 3, 2002)
(Place of Death: Aiea, Hawaii)

(1) **SURVIVING SPOUSE:** NONE

(2) **CHILDREN:**

PHILLIP C. MURRAY
938 2nd Street
Pearl City, Hawaii 96782

(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 **PHILLIP C. MURRAY.**

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, May 24, 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