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PROBATE SPECIAL MASTER

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

IN THE MATTER

OF

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

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

**PROBATE SPECIAL MASTER'S  
REPORT RE: PETITION FOR  
INSTRUCTIONS #23, FILED  
AUGUST 14, 2025; EXHIBITS "1" –  
"2"; CERTIFICATE OF SERVICE**

Hearing:

Date: October 17, 2025

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S  
REPORT RE: PETITION FOR INSTRUCTIONS #23**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate Special Master to examine the Petition for Instructions #23, filed August 14, 2025 (the "Petition"), and respectfully submits this Report.

**I. INTRODUCTION**

This Master was appointed by *Joint Order Adopting Settlement Special Master's Findings and Recommendations and Appointing Probate Special Master* (the "Appointment Order") [Dkt. 1617], filed on March 3, 2023, in *Kalima v. Hawaii*, Civ. No. 99-4771-12 LWC

(“Kalima”), for the purposes set forth in the Appointment Order, as well as by the *Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings*, filed on December 29, 2023 [Dkt.12] (“Omnibus Order”), entered herein to examine and report on the Petitions for Instructions filed in this proceeding. The Omnibus Order requests that your Master: (1) examine and report findings and recommendations to the Court on all Petitions and any other relevant matters in this Trust proceeding as deemed appropriate by the Master or the Court; (2) provide periodic status reports to the Court; and (3) address any outstanding issues contained in the Petitions or other pleadings filed in this proceeding.

This Report is filed pursuant to Rules 28 and 29 of the Hawai‘i Probate Rules.

Probate Special Counsel Scott C. Suzuki, Esq. and the proposed beneficiaries of the Trust Petitioners, as noted below, appear in these proceedings.

Your Master has examined the pleadings and their respective exhibits, in addition to other documents, most of which are listed below. Your Master has corresponded with some individuals and now provides the following findings and recommendations.

Those who have an interest in these proceedings are invited to attend the hearing on October 17, 2025, at 10 a.m., at 777 Punchbowl Street, Honolulu, Hawaii, Fourth Floor or may participate via Zoom. Instructions are included with this Report. Attendance is not required and is completely voluntary.

## **II. DOCUMENTS EXAMINED AND OTHER RESEARCH**

Your Master examined, among other things, the following pleadings and documents:

- Petition for Instructions #23, filed August 14, 2025, with Exhibits;
- Notice of Hearing published in the Star-Advertiser was published on September 9, 2025 and September 16, 2025;

- Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings, filed on December 29, 2023;
- Kalima Qualified Settlement Trust, attached to the Omnibus Order (“QST”);
- Probate Plan, attached to the Omnibus Order;
- Facilitator database, Epic Claims Administrator; and
- Exhibits and objections submitted to the Claims Administrator.

**A. Interviews**

Your Master corresponded with a few individuals related to each Deceased Class Member, as fully outlined below. On occasion, your Master is unable to make contact with a family member prior to filing her Report. In these instances, your Master makes several attempts to call or email the family members based on the contact information provided in the Facilitator database. Your Master relies on family members who receive and read the Report to contact your Master, if necessary. If additional information is discovered, your Master will supplement her Report prior to the hearing date.

**B. Efforts to Locate Wills**

Several of the deceased Class Members died intestate. In a typical probate proceeding seeking adjudication of intestacy, the Court will inquire about the efforts to locate a Will. As this is not a typical probate proceeding, the Claims Administrator Representative, Robert Coomes, filed a declaration on December 21, 2023, detailing all of the efforts they have made to give notice to Class Members and the deceased Class Members’ families. [Dkt. 3] They were asked to provide all relevant estate planning information and documents to the Claims Administrator. The same information is posted on the Kalima Lawsuit website that is available to the public. There is a toll-free phone number to contact the Claims Administrator. Given the

number of notices and efforts made by the Claims Administrator, your Master believes that deceased Class Members' families have had ample notice to provide a Will or Trust for their decedent, if one exists.

Furthermore, the family will receive a copy of this Report. If the decedent is noted to be intestate, but there actually is a Will or Trust in existence, your Master requests that the family contact your Master, Probate Special Counsel, or appear at the Court hearing.

### **III. BACKGROUND**

As the Court is aware, the purpose of these Petitions for Instructions is to provide an efficient and cost-effective yet accurate procedure to identify the proper heirs and devisees of those Kalima Class Members who are no longer living. Probate Special Counsel has researched each Deceased Class Member's family background based on self-reporting, database information, court records, and oral history. Probate Special Counsel has also provided notice of the Probate Plan, Qualified Settlement Trust, and notice of this hearing by U.S. Postal mail, publication of notice in the Honolulu Star-Advertiser, and links to the documents on the Kalima-lawsuit.com website.

Probate Special Counsel published Notice of the hearing on this Petition #23 in the Honolulu Star-Advertiser on September 9, 2025 and September 16, 2025. Your Master is satisfied that all interested parties were provided adequate notice of this hearing, and that jurisdiction and venue are proper pursuant to HRS §554D-201-203.

#### **(A) ELIZABETH P.K. GALINDO**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Daniel B. Galindo, who died after the decedent. No Will or Trust has been submitted. Your Master

spoke to the decedent's grandson, Richard Galindo. He confirmed that his grandfather and grandmother did not have a Will or Trust and that the four children are the only descendants of the decedent. One of the descendants, Elizabeth Keliiholokai, predeceased the decedent and her spouse, so her share goes to her three descendants. Another descendant, Danne Galindo, Sr. died after the decedent and her spouse, so his share goes to his surviving descendant.

Because the surviving spouse died after the decedent, his estate controls. Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed as follows:

**DANIEL GALINDO – ONE-FOURTH (1/4)**  
**DONALD J. GALINDO – ONE-FOURTH (1/4)**  
**RICHARD F.T. GALINDO – ONE-TWELFTH (1/12)**  
**RONALD D.K. GALINDO – ONE-TWELFTH (1/12)**  
**JACIE S.M. KELIIHOLOKAI – ONE-TWELFTH (1/12)**  
**DANNE GALINDO SEE – ONE-FOURTH (1/4)**

**(B) EDWARD GARCIA**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Peggy Dick, also known as Peggy Garcia. There was no will or trust submitted. Your Master was unable to contact any family members but will supplement her report accordingly.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

Pursuant to HRS §560:2-102 in effect at the time of death, since one or more of the decedent's surviving descendants are not descendants of the surviving spouse, the surviving spouse is entitled to receive the first of a certain dollar amount.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed as follows:

**PEGGY GARCIA – FIRST \$100,000, PLUS ONE-HALF (1/2) BALANCE**  
**DARRYL GARCIA – ONE-FOURTH (1/4) BALANCE**  
**DARRELYN GARCIA – ONE-FOURTH (1/4) BALANCE**

**(C) LURLINE GENEVIEVE MAHEALANI HENRY**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. Your Master also reviewed the Letters of Administration, filed on September 14, 2023, in P. No. 3CLP-23-0000317, in the Third Circuit, State of Hawai'i. Exhibit "A" of Petition #23.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the open probate proceeding.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed to **MARSHALL D. CHINEN, ESQ., Personal Representative of the Estate of Lurline Genevieve Mahealani Henry.**

**(D) LYLAC K. BAKER HIGA**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Tomoshin Higa, who died after the decedent.

Your Master reviewed the Last Will and Testament of Lylac K. Higa dated December 23, 1993, as well as the Will of Lylac K. Higa, dated February 24, 1999, which have not been admitted to probate. Both Wills are pourover wills and direct the residuary estate to the Lylac K. Higa Revocable Trust, dated December 23, 1993, as restated on February 24, 1999.

Copies of the Wills and Acceptance are attached as Exhibit "B" to Petition #23. Your Master obtained a copy of the Restatement of the Lylac K. Higa Revocable Living Trust, restated on February 24, 1999. Exhibit "1." Kenrock Higa, Derick Higa and Randall Higa were named as the next-acting Co-Trustees after the death of Tomoshin Higa. Derick Higa and Randall Higa are now deceased and Kenrock Higa is only living child.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed to **KENROCK K.S. HIGA, Trustee for the Lylac K. Higa Revocable Living Trust dated December 23, 1993**, to be distributed in accordance with the terms of the Trust.

**(E) WALTER SCOTT ADAMS**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Sylvia Au Hoy, also known as Sylvia Au Adams. There was no will or trust submitted. Your Master was unable to contact any family members but will supplement her report accordingly if contact is made.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the Kalima settlement proceeds should be distributed to surviving spouse, **SYLVIA AU ADAMS.**

**(F) LAVERNE MAHEALANI KANAKANUI**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Norman Jim Kanakanui. There was no will or trust submitted. Your Master spoke to the decedent's daughter, Andrina Kanakanui-Aspili. She confirmed that her mother did not have a Will or Trust and that she and sibling are the only descendants of the decedent.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the Kalima settlement proceeds should be distributed to surviving spouse, **NORMAN JIM KANAKANUI.**

**(G) KATHLEEN KAPULE KAHUI HOLDEN** (also known as **KATHLEEN KAPULE HOLDEN**)

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Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. Your Master received an email from the decedent's daughter, LeeAnn Bankhead. She confirmed that her mother did not have a Will or Trust and that she and her two siblings are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed as follows:

**LEE ANN M. BANKHEAD – ONE-THIRD (1/3)**  
**KEONI COOPER – ONE-THIRD (1/3)**  
**KEOKI COOPER – ONE-THIRD (1/3)**

**(H) BENJAMIN ALAMANI**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Linda Silva, also known as Linda Alamani. There was no will or trust submitted. Your Master spoke to the decedent's surviving spouse. She confirmed that her husband did not have a Will or Trust and that their two daughters are the only descendants of hers and the decedent.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed to surviving spouse,  
**LINDA ALAMANI.**

**(I) JAMES PIWAI AKIONA SR.**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. Your Master also reviewed the Letters of Administration, filed on March 20, 2024, in P. No. 3CLP-24-0000106, in the Third Circuit, State of Hawai'i. Exhibit "C" of Petition #23. In addition, your Master reviewed the Last Will and Testament of James P. Akiona, Sr., dated November, 17, 1994, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the James P. Akiona, Sr. Trust Agreement, dated November 17, 1994.

The Trust indicates that Sherilyn Adams, now known as Sherilyn Wahinekapu, is the next-acting Trustee. Copies of the Will and the Trust are attached as Exhibit "D" to Petition #23.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed to **SHERILYN WAHINEKAPU, Trustee of the James P. Akiona, Sr. Trust Agreement, dated November 17, 1994**, to be distributed in accordance with the terms of the Trust.

**(J) MATHILDA M. ADOLPHO**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master spoke to the decedent's daughter, Aloma Eustaquio. She confirmed that her mother did not have a Will or Trust and that she and her four

siblings are the only descendants of the decedent. Sibling Patrick Adolpho died after the decedent so his share will go to his two descendants.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed as follows:

**ALOMA EUSTAQUIO – ONE-FIFTH (1/5)**  
**WARREN ADOLPHO – ONE-FIFTH (1/5)**  
**RITA JEAGAR – ONE-FIFTH (1/5)**  
**KEALA PENROSE – ONE-FIFTH (1/5)**  
**KERRIE DIXON – ONE-TENTH (1/10)**  
**STEPHANIE ADOLPHO – ONE-TENTH (1/10)**

**(K) ABIGAIL MARY ANN STEWART**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master spoke to the decedent's daughter, Agnes Ferreira. She confirmed that her mother did not have a Will or Trust and that she and her five siblings were the only descendants of the decedent. One sibling, Wendy Meyer, died after the decedent and her share shall go to her two descendants.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed as follows:

**MARNEY K. MORISHIGE – ONE SIXTH (1/6)**  
**AGNES V. FERREIRA – ONE SIXTH (1/6)**  
**WILLIAM W. STEWART – ONE SIXTH (1/6)**  
**SUZANNE W. TASAKA – ONE SIXTH (1/6)**  
**CARY LEE GIFFORD – ONE SIXTH (1/6)**  
**CHRISTOPHER A. MEYER – ONE TWELFTH (1/12)**  
**GRETCHEN SIMS – ONE TWELFTH (1/12)**

**(L) HYENIE EYLLENE SATO**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master spoke to the decedent's son, Karl Sato. He confirmed that his mother did not have a Will or Trust and that he and his three siblings are the only descendants of the decedent. One descendant, Robert Sato, died before the decedent, so his descendants will take his share of the distribution.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. Heir Robert Sato predeceased the decedent, so his descendants share his settlement award equally.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and

convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be distributed as follows:

**SANFORD SATO – ONE-FOURTH (1/4)**  
**KARL SATO – ONE-FOURTH (1/4)**  
**MARAELEN EMANUELLO – ONE-FOURTH (1/4)**  
**ROBLLYN SATO – ONE-SIXTEENTH (1/16)**  
**RIDGE SATO – ONE-SIXTEENTH (1/16)**  
**ROBYNN SATO – ONE-SIXTEENTH (1/16)**  
**RONNIELYN SATO – ONE-SIXTEENTH (1/16)**

**(M) JUDITH P. NAUMU-STEWART**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Divorced. No Will or Trust has been submitted. Your Master spoke to the decedent’s son, Vincent Naumu. He confirmed that his mother did not have a Will or Trust and that he and his three siblings are the only descendants of the decedent. Descendant Robin Bott died after the decedent so her share goes to her surviving spouse.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent’s descendants in equal shares. Heir Robin L. Bott died after the decedent, so her share goes to her surviving spouse, Bryan Bott.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed as follows:

**VINCENT B. NAUMU – ONE-FOURTH (1/4)**  
**SEAN STEWART – ONE-FOURTH (1/4)**  
**VINCENT B. NAUMU – ONE-FOURTH (1/4)**  
**BRYAN W. BOTT – ONE-FOURTH (1/4)**

**(N) PEARL ALICIA KUULEIMOMIKAI PERRY**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master received an email from the decedent's daughter, Mahealani Wendt. She confirmed that her mother did not have a Will or Trust and that she and her six siblings are the only descendants of the decedent. One of the descendants, Darandell Kaauiwai, died after the decedent and her share will pass to her surviving spouse.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. One of the heirs, Dardanelle Kaauiwai, died after the decedent so her share of the settlement passes to her surviving spouse.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed as follows:

**MAHEALANI P. WENDT – ONE-SEVENTH (1/7)**  
**WARREN C. PERRY – ONE-SEVENTH (1/7)**  
**DARRYL D. PERRY – ONE-SEVENTH (1/7)**  
**DAVE A. PEREZ – ONE-SEVENTH (1/7)**  
**MOSES J. MARTINEZ – ONE-SEVENTH (1/7)**  
**ALEXIS M. KING – ONE-SEVENTH (1/7)**  
**JAKE KAAUWAI – ONE-SEVENTH (1/7)**

**(O) WILLARD ANDRE KALIMA JR.**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Sheilah Teresa Maui Medeiros, also known as Sheilah Kalima. There was no will or trust submitted. Your Master received an email from the decedent’s daughter, Kaila Matafini, who confirmed that her father did not have a will or a trust and that the decedent and Sheilah Kalima are the parents of both herself and her sister, Kaupena Kalima.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when all of the decedent’s surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent’s surviving spouse.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the Kalima settlement proceeds should be distributed to surviving spouse, **SHEILAH KALIMA.**

**(P) CLEMENT KAHELE KALUNA**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Cathy Spirz, also known as Cathy Spirz-Kaluna, who died after the decedent. No Will or Trust has been submitted.

Your Master also reviewed the Letters of Administration, filed on May 31, 2011, in P. No. 10-1-0157, in the Third Circuit, State of Hawai'i. Exhibit "E" of Petition #23. The letters have since expired and were not renewed. Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the open probate proceeding.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed as follows:

**DAVID KALUNA – ONE-HALF (1/2)**  
**HEATHER KALUNA – ONE-HALF (1/2)**

**(Q) JOHN HERMAN KEHALENANI KAMA**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. Your Master was unable to contact any family members but will supplement her report accordingly.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed to **KUKANA KAMA-TOTH.**

**(R) NORMA LEE KAWAILANI KAMA**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Edmund Kama. There was no will or trust submitted.

Your Master spoke to the decedent's sister-in-law, Jamie Fields. She informed your Master that her brother, surviving spouse Edmund Kama, died in 2023. His death certificate is being filed concurrently. As the decedent and her spouse did not have children, Edmund Kama's surviving siblings are entitled to his settlement distribution. Edmund had 12 siblings, but only five are surviving. The seven predeceased siblings have surviving descendants as noted below. The seven predeceased siblings include: Benjamin Kama, David Kama, Josephine Kama, Peter Kama, Samuel Kama, Eliza Kama and Harriet Kama. Death certificates are being filed concurrently, except for Eliza Kama, whose death certificate has been ordered from Oregon. Your Master will supplement the record as information is received.

The surviving siblings include Elizabeth H. K. K. Halahuni, Raphael Kama, Odelia Kaupu, Elijah Kama and Jamie P.K. Fields.

Pursuant to HRS §560:2-103(f), the "intestate estate shall pass by representation to the surviving descendants of the decedent's deceased parents". HRS §560:2-106(d) clarifies that if HRS §560:2-103(f) applies, the intestate estate passes to the surviving descendants of the deceased parents "as if they were the decedent's surviving descendants under subsection (b)."

HRS §560:2-106(b) describes how the decedent's surviving descendants would take. Under this statute, the intestate estate "passes "by representation" to the decedent's descendants," which then requires that the estate be divided into as many equal shares as there are:

"(1) Surviving descendants in the generation nearest to the decedent that contains one or more surviving descendants; and

(2) Deceased descendants in the same generation who left surviving descendants, if any.

Each surviving descendant in the nearest generation shall be allocated one share. The remaining shares, if any, *shall be combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who were allocated a share and their surviving descendants had predeceased the decedent.*"

The general comments to the UPC, Comment 2 to the 2019 Revision states that the "per-capita-at-each-generation system of representation is incorporated throughout this section." That standard of distribution is also the formula described in HRS §560:2-106(b).

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the Kalima settlement proceeds should be distributed equally to the five

surviving siblings of Edmund Kama, and to the descendants of the predeceased siblings, by representation:

**ELIZABETH H K K HALAHUNI – ONE-TWELFTH (1/12)**

P. O. Box 462  
Aiea, Hawaii 96701

**RAPHAEL KAMA - ONE-TWELFTH (1/12)**

41-569 Hihimanu Street  
Waimanalo, Hawaii 96795

**ODELIA K. KAUPU - ONE-TWELFTH (1/12)**

85-4529 Mamalahoa Hwy  
Captain Cook, Hawaii 96704

**ELIJAH E. KAMA - ONE-TWELFTH (1/12)**

6811 NE 121st Avenue  
Vancouver, Washington 98682

**JAMIE P. K. FIELDS - ONE-TWELFTH (1/12)**

P. O. Box 723  
Aiea, Hawaii 96701

**Descendants of predeceased siblings: share equally 7/12**

**(S) BARBARA KAMAE (also known as BARBARA MAMO AQUINO)**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to George S. Aquino. There was no will or trust submitted. Your Master spoke to the decedent's daughter, Darlene Kamae. She confirmed that her mother did not have a Will or Trust and that she and two of her siblings are not the descendants of the surviving spouse.

Pursuant to HRS §560:2-102, since one or more of the decedent's surviving descendants are not descendants of the surviving spouse, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the settlement award does not exceed that amount.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to the decedent's surviving spouse.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the Kalima settlement proceeds should be distributed to surviving spouse, **GEORGE S. AQUINO.**

(T) **WILLIAM KUAMOO HEALANI KAPUNI**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Victoria Gillespie. There was no will or trust submitted. Your Master spoke to the decedent's daughter, Melissa Kapuni. She confirmed that her father did not have a Will or Trust and that she is the only descendant of the decedent but is not the descendant of the surviving spouse.

Pursuant to HRS §560:2-102, since one or more of the decedent's surviving descendants are not descendants of the surviving spouse, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the settlement award does not exceed that amount.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to the decedent's surviving spouse.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and

convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the Kalima settlement proceeds should be distributed to surviving spouse, **VICTORIA GILLESPIE.**

**(U) DOROTHY ELAINE KUULEI HANAPI**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent’s Social Security record does not indicate her marital status. No Will or Trust has been submitted. Your Master was unable to contact any family members but will supplement her report accordingly if contact is made.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent’s descendants in equal shares.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be distributed as follows:

- SHERRAN FERNANDEZ MARTINEZ – ONE-FIFTH (1/5)**
- LUANA FERNANDEZ DANG – ONE-FIFTH (1/5)**
- RENRIK FERNANDEZ – ONE-FIFTH (1/5)**
- BURMA FERNANDEZ PHELPS – ONE-FIFTH (1/5)**
- DEVRA FERNANDEZ – ONE-TENTH (1/10)**
- EARL FERNANDEZ JR. – ONE-TENTH (1/10)**

(V) **JAMES KAHUANUI**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married but Separated to Tema Layne Kaleinani Ganancial, also known as Tema Kahuanui. There was no will or trust submitted. Your Master spoke to the decedent's son, Kaimana Kahuanui. He confirmed that his father did not have a Will or Trust and that he and his two siblings are the only descendants of the decedent. He also confirmed that his mother, Tema, remains houseless.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the Kalima settlement proceeds should be distributed to surviving spouse,

**TEMA KAHUANUI.**

(W) **ROBERT H. KAI (also known as ROBERT H. KAI SR.)**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. Your Master spoke to the decedent's son, Robert Kai, Jr. He

confirmed that his father did not have a Will or Trust and that he and his sister are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed as follows:

**ROBERT HALONA KAI JR. – ONE-HALF (1/2)**  
**PAMELA JANE CARMACK – ONE-HALF (1/2)**

**(X) MANUEL YONA KAAPANA, JR.**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Sally Chicks, also known as Sally Kaapana. There was no will or trust submitted. Your Master spoke to the decedent's daughter, Caroline Kapaana. She confirmed that her father did not have a Will or Trust. She also shared that not all of the decedent's descendants are also the descendants of his surviving spouse.

Pursuant to HRS §560:2-102, since one or more of the decedent's surviving descendants are not descendants of the surviving spouse, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the settlement award does not exceed that amount.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to the decedent's surviving spouse.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed to surviving spouse, **SALLY KAAPANA.**

**(Y) NAOMI KUULEIALOHA ALCOSIBA**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widower.

Your Master reviewed the Last Will and Testament of Naomi K. Alcosiba, dated October 11, 1992, which has not been admitted to probate but directs the residue of the estate to be devised to her five children, whom she names, in equal shares. The Will is attached as Exhibit "F" to Petition #23.

However, as the Petition notes, the Will then defines "issue" as her descendants either by relation or by legal adoption and that " 'per stirpes,' means in equal shares among living children and the issue of deceased children, the latter taking by right of representation."

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and

convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

Based on the rationale set forth in the Petition, as well as the interpretation of the 2021 version of HRS §560:2-106, the decedent’s intention would be best fulfilled as recommended by the Petitioner.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be distributed as follows:

**ANTHONY A. ALCOSIBA JR. – ONE-FOURTH (1/4)**  
**GALE CAMACHO – ONE-FOURTH (1/4)**  
**ALISSA KASHIWADA – ONE-FOURTH (1/4)**  
**SHANNON HISATAKE – ONE-EIGHTH (1/8)**  
**CASSIE GALE MARCOS – ONE-EIGHTH (1/8)**

**(Z) HENRY KALEOALOHA KAAIHUE**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Linda Rapoza, also known as Linda Kaaihue. There was no will or trust submitted. Your Master spoke to the decedent’s daughter, Heidi Lacsina. She confirmed that her father did not have a Will or Trust and that she and her three siblings are the only descendants of the decedent.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when all of the decedent’s surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent’s surviving spouse.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and

convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the Kalima settlement proceeds should be distributed to surviving spouse, **LINDA KAAIHUE.**

**(AA) BERNICE BERDON**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master spoke to Theresa Berdon who was married to the decedent’s son, Alfred Berdon, Jr. She informed your Master that they were divorced when Alfred Jr. died in January 2025 and that they had three children. His obituary is attached as Exhibit “2”.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent’s descendants in equal shares.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be distributed as follows:

- ALFREIDA AKAU – ONE-FIFTH (1/5)**
- CHARMAINE PHILLIPS – ONE-FIFTH (1/5)**
- CORINNE WELLER – ONE-FIFTH (1/5)**
- KEHAULANI R. BERDON – ONE-TENTH (1/10)**
- ROSALINE L. RODRIGUES – ONE-TENTH (1/10)**

**CHAD TOLENTINO – ONE-FIFTEENTH (1/15)**

149 Kapili Ave., Hilo, HI 96720

**ROBYN FORTES – ONE-FIFTEENTH (1/15)**

P.O. Box 1045, Kapaau, HI 96755

**ALFRED BERDON, III – ONE-FIFTEENTH (1/15)**

P.O. Box 6921, Kamuela 96743

**(BB) CHARLES KAULUWEHI MAXWELL SR.**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Your Master reviewed the Last Will and Testament of Charles Kauluwehi Maxwell, Sr., dated April 2, 1991, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Charles K. Maxwell, Sr. Revocable Trust, dated April 2, 1991, as amended.

The Third Amendment of the Trust indicates that Sheriann Hinano Maxwell is the next-acting Trustee. Copies of the Will and the Trust are attached as Exhibit "G" to Petition #23.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed to **SHERRIANN HINANO MAXWELL, Trustee of the Charles K. Maxwell, Sr. Revocable Trust dated April 2, 1991, as amended**, to be distributed in accordance with the terms of the Trust.

**(CC) REGINALD KAIKAPU KALUNA**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No

Will or Trust has been submitted. Your Master spoke to the decedent's granddaughter, Lisa Labrador. She confirmed that her grandfather did not have a Will or Trust and that her father was the only descendant of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. The decedent's sole descendant and heir, William Alan Kaluna Nihi, died after the decedent, so his estate controls. He was survived by spouse, Marie Leimomi Dela Cruz. Lisa Labrador also confirmed that her father did not have a Will or a Trust and that she and her siblings are all descendants of William Nihi and Marie Dela Cruz.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be distributed to the decedent's son's surviving spouse, **MARIE LEIMOMI DELA CRUZ**.

**(DD) HALEAKALA MILDRED SYLVESTER**

Your Master reviewed the facts contained in Petition #23 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Your Master reviewed the Last Will and Testament of Haleakala M. Sylvester, dated June 9, 2011, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the James E. and Haleakala M. Sylvester Trust, dated November 27, 1990, as restated.

The First Restatement of Trust indicates that Beverly K. Stanich is the next-acting Trustee. Copies of the Will and the Trust are attached as Exhibit “H” to Petition #23.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be distributed to **BEVERLY K. STANICH, Trustee of the James E. and Haleakala M. Sylvester Trust dated November 27, 1990, as amended**, to be distributed in accordance with the terms of the Trust.

#### IV. CONCLUSION

WHEREFORE, your Master recommends and prays as follows:

- A. That the Court approve and adopt this Master’s Report Re: Petition for Instructions #23;
- B. That the Court grant the Petition for Instructions #23, filed August 14, 2025;
- C. That the Court find that jurisdictional requirements have been met and the venue is proper;
- D. That the Court finds that, as far as known, all persons necessary to an adjudication of this matter are parties hereto and shall be bound by all orders arising from this Petition, and the Court finds that there is no need to appoint a guardian ad litem to represent the interests of unknown or unascertained contingent remainder beneficiaries;
- E. That the Court authorize and Order the Claims Administrator to follow the distributions as outlined in this Report;

F. That the Court award the Petitioner's reasonable attorneys' fees and costs to be paid by the Trust and deducted from the above beneficiaries' distributions on a pro-rata basis, subject to the filing of an affidavit or declaration;

G. That the Court grant reasonable Master's fees and costs, to be paid by the Trust and deducted from the above beneficiaries' distributions on a pro-rata basis, subject to the filing of an affidavit or declaration;

H. That the Court enter judgment as to this Petition pursuant to Hawai'i Probate Rule 34(a) accordingly; and

I. That the Court grant such other and further relief as this Court may deem just and equitable.

DATED: Honolulu, Hawai'i, on September 10, 2025.

/s/ Emily H. Kawashima  
EMILY H. KAWASHIMA  
PROBATE SPECIAL MASTER

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)

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a file-marked copy of the foregoing document will be duly served by depositing the same in the United States Mail, postage prepaid, on the following identified interested persons.

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DATED: Honolulu, Hawaii, September 10, 2025.

/s/ Emily H. Kawashima  
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Probate Special Master