

EMILY H. KAWASHIMA, 6498-0
AAL, LLLC

Topa Financial Center
700 Bishop Street, Suite 1700
Honolulu, Hawai'i 96813
Telephone No.: (808)744-4688
Facsimile No.: (888)777-5405
E-mail: emily@kawashimalaw.com

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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 #13, FILED
SEPTEMBER 10, 2024;
CERTIFICATE OF SERVICE**

Hearing:

Date: November 15, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #13**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate Special Master to examine the Petition for Instructions #13, filed September 10, 2024 (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.

II. DOCUMENTS EXAMINED AND OTHER RESEARCH

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

- Petition for Instructions #13, filed September 10, 2024, with Exhibits;
- Notice of Hearing published in the Star-Advertiser on September 20, 2024 and September 27, 2024;
- 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.

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 Petition. If the decedent is noted to be intestate, but there actually is a Will, your Master expects the family to contact the Claims Administrator, your Master, Probate Special Counsel, or to 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 #13 in the Honolulu Star-Advertiser on September 20, 2024 and September 27, 2024. 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) THEODORE PHILLIP HINAI MAHELONA

Your Master reviewed the facts contained in Petition #13 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Edwina Mililani Rodrigues, also known as Edwina M. Mahelona. There was no will or trust submitted.

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 **EDWINA M.**

MAHELONA

(B) DAVEY POMAIKAILANI MAHI

Your Master reviewed the facts contained in Petition #13 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widower. No Will or Trust has been submitted. Your Master attempted to reach the decedent's daughters but was unable to contact them by telephone.

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:

KILILANI MAHI – ONE-HALF (1/2)
NICOLE MAHI – ONE-HALF (1/2)

(C) ISABELLA MAHI MEDEIROS

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow. No Will or Trust has been submitted. On or about October 16, 2024, your Master spoke to the decedent's daughter, Patricia Kalua'u. She confirmed that her mother did not have a Will or Trust and that she and her eight siblings are the only living 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:

ALBERT MEDEIROS JR. – ONE-NINTH (1/9)
PATRICK MEDEIROS – ONE-NINTH (1/9)
PATRICIA KALUA'U – ONE-NINTH (1/9)
JOANNE OLSON – ONE-NINTH (1/9)
SANDRA MOSSES – ONE-NINTH (1/9)
SUSAN NAUKA – ONE-NINTH (1/9)
DEBRA MEDEIROS – ONE-NINTH (1/9)
JOELYN COITO – ONE-NINTH (1/9)
ANUHEA SPIES – ONE-NINTH (1/9)

(D) MICHAEL JAMES EHUKAI MEHAU

Your Master reviewed the facts contained in Petition #13 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widower.

Your Master reviewed the Letters of Administration, filed March 8, 2006. Exhibit "A" to Petition #13.

Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "adjudicated in such deceased Class Member's 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 **ANNA K.**

PARKHURST.

(E) CLYDE PAUAHI MERCK SR.

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Keakealani Marion Bruns, also known as Keakealani Marion Merck. There was no will or trust submitted. On or about October 16, 2024, your Master spoke to the decedent's surviving spouse. She confirmed that her husband did not have a Will or Trust and that all descendants are also 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 **KEAKEALANI MARION MERCK.**

(F) LUCY WAINEE MEYER

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow. No Will

or Trust has been submitted. On or about October 17, 2024, your Master spoke to the decedent's son, Lionel Meyer. He confirmed that his mother did not have a Will or Trust and that his sister and nephew 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:

LIONEL MEYER – ONE-THIRD (1/3)
KAREN MEYER – ONE-THIRD (1/3)
SCOTT PUBLICO – ONE-THIRD (1/3)

(G) GLENN KAOPUA KAULUKUKUI JR.

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Kathleen Patricia Fleming, also known as Kathleen P. Kaulukukui. There was no will or trust submitted. On or about October 16, 2024, your Master spoke to James Fleming, son of Kathleen Kaulukukui. He confirmed that the decedent did not leave a will or trust and that the descendants listed below were the decedent's descendants.

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, 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 distributed as follows:

KATHLEEN P. KAULUKUKUI – FIRST \$100,000, plus one-half (1/2) the amount over \$100,000

SEAN LUEAHU KAULUKUKUI KIM – ONE-SIXTH (1/6) of the amount over \$100,000

WINTER K. BAKER – ONE-SIXTH (1/6) of the amount over \$100,000

KALANI A. ROWLAND – ONE-SIXTH (1/6) of the amount over \$100,000

(H) THOMAS LINDSEY MEYERS SR.

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Tammy Uilani Ongory, also known as Tammy Uilani Meyers, who died after the decedent.

The decedent and his surviving spouse did not have a will or a trust. 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 intestate share would go to the descendant of Tammy Uilani Meyers.

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 **KELVIN ONGORY-MATSUSHIMA**.

(I) ARTHUR LANAKILA HEANU SR.

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as married to Sharleen K. Kawainui, also known as Sharleen K. Heanu. She died after her spouse in January 2024.

Your Master reviewed the Last Will and Testament of Arthur L. Heanu, Sr., dated November 20, 2006, which has not been admitted to probate but directs the residue of the estate to be devised to his spouse. The Will is attached as Exhibit "B" to Petition #13.

Because the decedent's spouse is also deceased, her estate should govern distribution. Your Master reviewed the Last Will and Testament of Sharleen K. Heanu dated November 20, 2006, which has not been admitted to probate but directs the residue of the estate to be devised to her spouse. The Will is attached as Exhibit "C" to Petition #13. As noted by Probate Special Counsel, the 17% gift to Arthur L. Heanu, Jr., deceased, would lapse and be distributed by intestacy.

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:

GILBERT K. HEANU – FORTY AND ONE-HALF PERCENT (40.5%)
GLENN I. HEANU – TWENTY-FIVE AND ONE-HALF PERCENT (25.5%)
RUSSELL W.K. HEANU – SEVENTEEN PERCENT (17%)
KYLE W.I. HEANU – SEVENTEEN PERCENT (17%)

(J) SHARLEEN K. HEANU

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow.

Your Master reviewed the Last Will and Testament of Sharleen K. Heanu dated November 20, 2006, which has not been admitted to probate but directs the residue of the estate to be devised to her spouse. The Will is attached as Exhibit "C" to Petition #13. As noted by Probate Special Counsel, the 17% gift to Arthur L. Heanu, Jr., deceased, would lapse and be distributed by intestacy.

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:

GILBERT K. HEANU – FORTY AND ONE-HALF PERCENT (40.5%)
GLENN I. HEANU – TWENTY-FIVE AND ONE-HALF PERCENT (25.5%)
RUSSELL W.K. HEANU – SEVENTEEN PERCENT (17%)
KYLE W.I. HEANU – SEVENTEEN PERCENT (17%)

(K) ARTHUR LANAKILA HEANU JR.

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Never Married. No Will or Trust has been submitted.

Pursuant to HRS §560:2-103(d), under the laws of intestacy, when there is no surviving spouse or descendant, the intestate share goes to the decedent's surviving parents in equal shares. Because the decedent's mother died after the decedent, her estate would govern.

Your Master reviewed the Last Will and Testament of Sharleen K. Heanu dated November 20, 2006, which has not been admitted to probate but directs the residue of the estate to be devised to her spouse. The Will is attached as Exhibit "C" to Petition #13. As noted by Probate Special Counsel, the 17% gift to Arthur L. Heanu, Jr., deceased, would lapse and be distributed by intestacy.

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:

GILBERT K. HEANU – FORTY AND ONE-HALF PERCENT (40.5%)
GLENN I. HEANU – TWENTY-FIVE AND ONE-HALF PERCENT (25.5%)
RUSSELL W.K. HEANU – SEVENTEEN PERCENT (17%)
KYLE W.I. HEANU – SEVENTEEN PERCENT (17%)

(L) ELMER KAKAIO

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Violet A. Ponce, also known as Violet A. Kakaio, who died after the decedent. The decedent died intestate. Therefore, 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.

However, your Master reviewed the Family Trust of Elmer E. Kakaio and Violet A. Kakaio, dated August 23, 2018. Exhibit "D" to Petition #13. Your Master agrees that the Trust beneficiaries are consistent with the laws of intestacy.

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:

RUSS KAKAIO – ONE-FOURTH (1/4)
SOLOMON KAKAIO – ONE-FOURTH (1/4)
JOHN KAKAIO – ONE-FOURTH (1/4)
MATTHEW KAKAIO – ONE-FOURTH (1/4)

(M) MARY MALIA KIPILII

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Never Married. No Will or Trust has been submitted. On or about October 16, 2024, your Master spoke to the decedent's daughter, Candace L. Bradley. She confirmed that her mother did not have a Will or Trust and that she has two living siblings and one deceased sibling, whose surviving spouse is listed below.

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:

CANDACE L. BRADLEY – ONE-FOURTH (1/4)
CARLA L. BELASKI – ONE-FOURTH (1/4)
KATHLEEN K. ANDERSON – ONE-FOURTH (1/4)
ROXANNE KIPILII – ONE-FOURTH (1/4)

(N) **FRANCINE KALANI KOMOMUA**

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow. No Will or Trust has been submitted. On or about October 16, 2024, your Master spoke to the decedent's daughter, Shannon Baker. 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.

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:

SHANNON K.K. BAKER – ONE-FIFTH (1/5)
JOSEPH N. KOMOMUA IV – ONE-FIFTH (1/5)
NATALIA K. KOMOMUA – ONE-FIFTH (1/5)
JOSEPH N. KOMOMUA V – ONE-FIFTH (1/5)
SHAYDEN K.K. BAKER KOMOMUA – ONE-FIFTH (1/5)

(O) JOSEPHINE K. KONG

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow. Your Master also reviewed the Letters Testamentary, filed on September 1, 2023, in P. No. 1CLP-23-0000728, in the First Circuit, State of Hawai‘i. Exhibit “E” of Petition #13.

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 **NOELLA JO KONG, Personal Representative of the Estate of JOSEPHINE KANOELEHUA LIKE KONG.**

(P) RAYMOND NOBLE LOW

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widower. No Will or Trust has been submitted. Your Master received an email from the decedent’s daughter, Shari Vasconcellos. She confirmed that her father 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:

RAYE NAKAGAWA – ONE-THIRD (1/3)
SHARI VASCONCELLOS – ONE-THIRD (1/3)
ANGEL LARKIN – ONE-THIRD (1/3)

(Q) ELOISE A. AULD

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow. No Will or Trust has been submitted. On or about October 16, 2024, your Master spoke to the decedent’s son, Chuck Auld. He confirmed that his mother did not have a Will or Trust and that he and his surviving siblings are listed below.

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:

CHUCK KAUI AULD – ONE-FOURTH (1/4)
JOY MIKILANI KOEHLER – ONE-FOURTH (1/4)
DANNIELE NOHEALANI HIRONAKA – ONE-FOURTH (1/4)
CHELSEA KULAMANU – ONE-FOURTH (1/4)

(R) **FANNY K. AU-HOY**

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow. Your Master also reviewed the Letters Testamentary, filed on October 18, 2023, in P. No. 3CLP-23-0000356, in the Third Circuit, State of Hawai'i. Exhibit "F" of Petition #13.

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 **LESLIE KAUKOLU AU HOY, Personal Representative of the Estate of Fanny K. Au Hoy.**

(S) **LOUISA KAAIHUE ARTATES**

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow. No Will or Trust has been submitted. On or about October 16, 2024, your Master spoke to the decedent's daughter, Lourdes Gouveia. She confirmed that her mother did not have a Will or Trust and that she and her brother 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:

LOURDES K GOUVEIA – ONE-HALF (1/2)
PERRY ARTATES – ONE-HALF (1/2)

(T) CHARLES KUPIHEA WARRINGTON

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widower.

Your Master reviewed the Letters of Special Administration, filed March 12, 2014, attached as Exhibit "G," the Last Will and Testament of Charles K. Warrington, dated September 4, 2006. The Will is a pour over will and directs the residuary estate to the Charles K. Warrington and Mary G. Warrington Joint Revocable Trust.

The Trust indicates that Hedwig Warrington is the next-acting Trustee. Copies of the Will the Trust are attached as Exhibit "H" to Petition #13.

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 **HEDWIG N. WARRINGTON, Trustee of the Charles K. Warrington and Mary G. Warrington Joint, Revocable Trust dated September 4, 2006**, to be distributed in accordance with the terms of the Trust.

(U) **DAVELYNN KAOO HARDWICK**

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Unknown. There was no will or trust submitted. Based on the Probate Special Counsel's findings, the decedent had two spouses, the first being the valid marriage.

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, 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 distributed as follows:

ITULA SUAFOA – First \$100,000, plus ONE-HALF (1/2) balance
ELENITA K. SUAFOA – 1/12 of the balance
ITULA K. SUAFOA JR. – 1/12 of the balance
KEITH E. SUAFOA - 1/12 of the balance
SELEGA K. SUAFOA YANEZ – 1/12 of the balance
ANDREW M. SUAFOA – 1/12 of the balance
ANO'I K. LIMA-ENGLISH – 1/72 of the balance
HALIAKA LIMA-ENGLISH – 1/72 of the balance
TA`UA LIMA-ENGLISH – 1/72 of the balance
DAVID LIMA-ENGLISH – 1/72 of the balance
DYLAN LIMA-ENGLISH – 1/72 of the balance
SHAWN-ISAAC WISE – 1/72 of the balance

(V) **COLEEN RUTH RIVERA**

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Ronald Raymond Rivera, Sr. There was no will or trust submitted. Your Master received an email from decedent's son, Brannon Rivera. He confirmed that his mother did not have a Will or Trust and that he and his sister are the only descendants of their mother and father.

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, **RONALD RAYMOND RIVERA SR.**

(W) **CORBETT O. ROY, SR.**

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widower. No Will or Trust has been submitted. On or about October 16, 2024, your Master spoke to the decedent's son, Corbett Roy, Jr. He confirmed that his father did not have a Will or Trust.

Your Master received an email on October 16, 2024, from Stephen Keawe Roy, aka Stephan James Keawe Roy, along with his birth certificate noting the same parents as his siblings. A copy of his birth certificate is being filed under seal. Corbett Roy, Jr. confirmed that Stephen is his brother. He also informed your Master that they have another brother, Michael Roy, who resides in a care home and is receiving public assistance. Corbett Roy is his legal guardian. Your Master directed Corbett Roy to the Kalima website regarding beneficiaries who are currently receiving public benefits.

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:

CORBETT O. ROY, JR. – ONE-FOURTH (1/4)
STEPHANIE K. ROY-HUSSEY – ONE-FOURTH (1/4)
STEPHEN KEAWE ROY, aka STEPHAN JAMES KWEAWE ROY – ONE-FOURTH (1/4)
397 Ainahou Street
Honolulu, Hawaii 96825
MICHAEL ROY c/o CORBETT O. ROY, JR., Guardian - ONE-FOURTH (1/4)
P.O. Box 22571
Honolulu, Hawaii 96825

(X) ALEXANDER AH CHUNG WONG YUEN

Your Master reviewed the facts contained in Petition #13, 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, dated April 14, 1989. Exhibit “J” to Petition #13.

Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “adjudicated in such deceased Class Member’s 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 disbursed as follows:

TURVELYN K. WONG YUEN – ONE-FIFTH (1/5)
GREGORY A. WONG YUEN – ONE-FIFTH (1/5)
CHAUNCEY T. WONG YUEN – ONE-FIFTH (1/5)
CATHY K. WONG YUEN – ONE-FIFTH (1/5)
DEBRA FAYE BEAUDET WONG YUEN
(surviving spouse of MARCUS M. WONG YUEN) – ONE-FIFTH (1/5)

(Y) LOUISE WAIKI PEARSON

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow.

At the time of the decedent’s death, the 1976 Hawaii Session Laws, Act 200, “Uniform Probate Code Article II, Intestate Succession and Wills” was controlling.

Under Act 200, Section 560:2-103(1), if there is no surviving spouse, “To the issue of the decedent; if they are all of the same degree of kinship to the decedent they take 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 to:

**MILO KUUALOHA NAU – ONE-HALF (1/2)
KELLEY L. MALUO-PEARSON – ONE-HALF (1/2)**

(Z) JOLYN S. KIPAPA

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to George Kurt Kamua Kipapa.

Your Master reviewed the Letters of Administration, filed October 8, 2014. Exhibit “K” to Petition #13. The Letters have since expired.

Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “adjudicated in such deceased Class Member’s 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 disbursed to surviving spouse,
GEORGE KURT K. KIPAPA.

(AA) ARCHANGEL JAMES JOSEPH

Your Master reviewed the facts contained in Petition #13, 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 Archangel James Joseph dated September 1, 2005, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Archangel James Joseph Revocable Living Trust, dated September 1, 2005.

The Trust indicates that Fabian S. Saballa is the next-acting Trustee. Copies of the Will the Trust are attached as Exhibit “M” to Petition #13.

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 **FABIAN SETSUKO SABALLA, Trustee of the Archangel James Joseph Revocable Living Trust dated September 1, 2005**, to be distributed in accordance with the terms of the Trust.

(BB) KELBY KANANI PUNG

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's obituary states that he was survived by his wife, Donna Pung. There was no will or trust submitted. On or about October 17, 2024, your Master spoke to the decedent's sister-in-law. She confirmed that the decedent did not have a Will or Trust and that he is survived by his spouse.

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, **DONNA PUNG.**

(CC) EDWARD W. PAAHANA JR.

Your Master reviewed the facts contained in Petition #13, 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. On or about October 17, 2024, your Master spoke to the decedent's daughter, Nitaya Paahana. She confirmed that her father did not have a Will or Trust and that she is 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.

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 **NITAYA M.**

PAAHANA.

(DD) JESSE K. NAIHE

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Blanche N. Naihe. There was no will or trust submitted. On October 17, 2024, your Master spoke to Blanche Naihe who confirmed that her spouse did not have a will or trust.

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, 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, **BLANCHE N. NAIHE**. Please note new address: 4191 Sunnyside Dr. Doylestown, Pennsylvania 18902.

(EE) ODELLA PIILANI NAKANELUA

Your Master reviewed the facts contained in Petition #13, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Gordon Kaleo Nakanelua.

Your Master reviewed the Last Will and Testament of Odella Piilani Nakanelua, dated November 3, 1992, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Odella P. Nakanelua Trust, dated November 3, 1992.

The Trust indicates that Gordon Kaleo Nakanelua is the next-acting Trustee. Copies of the Will and the Trust are attached as Exhibit "N" to Petition #13.

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 **GORDON KALEOLANI NAKANELUA, Trustee of the Odella P. Nakanelua Trust dated November 3, 1992**, 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 #13;
- B. That the Court grant the Petition for Instructions #13, filed September 10, 2024;
- C. That the Court find that jurisdictional requirements have been met and that 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. Grant such other and further relief as this Court may deem just and equitable.

DATED: Honolulu, Hawai'i, on October 18, 2024.

/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.

EDWINA M. MAHELONA

86-307 Hokuaiaina Place
Waianae, Hawaii 96792

PATRICK MAHELONA

47-493 Apau Loop
Kaneohe, Hawaii 96744

THEODORE MAHELONA JR.

86-307 Hokuaiaina Place
Waianae, Hawaii 96792

NICOLE MAHI

90 Pakele Lane
Hilo, Hawaii 96720

PATRICK MEDEIROS

P.O. Box 465
Hawi, Hawaii 96719

JOANNE OLSON

16 Glacier Avenue #15
Fairbanks, Alaska 99701

SUSAN NAUKA

P.O. Box 222
Hawi, Hawaii 96719

JOELYN COITO

P.O. Box 964
Kapaa, Hawaii 96755

PAULA IOANE

86-307 Hokuaiaina Place
Waianae, Hawaii 96792

PETER MAHELONA

89-156 Kawao Avenue
Waianae, Hawaii 96792

KILILANI MAHI

P.O. Box 1445
Keaau, Hawaii 96749

ALBERT MEDEIROS JR.

95-1113 Kihene Street
Mililani, Hawaii 96789

PATRICIA KALUAU

P.O. Box 473
Kapaa, Hawaii 96755

SANDRA MOSSES

P.O. Box 231
Kurtistown, Hawaii 96760

DEBRA MEDEIROS

P.O. Box 478
Hawi, Hawaii 96719

ANUHEA SPIES

70A Apoki Street
Hilo, Hawaii 96720

ANNA K. PARKHURST
16919 21st Avenue SW
Burien, Washington 98166

JEANNETTE H. SPENCER
P.O. Box 23
Hat Creek, California 96040

KATHERINE JOHNSON
1008 SE 12th Street
Wagoner, Oklahoma 74467

WILLIAM MERCK
91-314 Pupu Place
Ewa Beach, Hawaii 96706

MONIQUE MERCK
P.O. Box 614
Kapaau, Hawaii 96755

LIONEL MEYER
4245 Kupu Honua Lane
Hilo, Hawaii 96720

SCOTT PUBLICO
81 Kaulike Street
Hilo, Hawaii 96720

SEAN LUEAHU KAULUKUKUI KIM
19008 22nd Avenue E. Tacoma
Tacoma, Washington 98445

KALANI A ROWLAND
2777 S. Arizona Avenue
Chandler, Arizona 85286

MONA LISA K. LONG
98-945 Moanalua Road #705
Aiea, Hawaii 96701

TRINIDAD SEPTIMO
388 Hoomalu Street
Pearl City, Hawaii 96782

BUSHROD G.K. MEYERS
89-432 Haleakala Avenue
Waianae, Hawaii 96792

KEAKEALANI MARION MERCK
P.O. Box 796
Burney, California 96013

CLYDENE ANDRADE
P.O. Box 1607
Keaau, Hawaii 96749

KARLTON BRUNS
41378 Kingston Lyons Drive SE
Stayton, Oregon 97383

CLYDE MERCK, JR.
161345 Coral Drive
Keaau, Hawaii 96749

COLINDA KIHE III
P.O. Box 6485
Kamuela, Hawaii 96743

KAREN MEYER
General Delivery
Pepeekeo, Hawaii 96783

KATHLEEN P. KAULUKUKUI
P.O. Box 171
Kapaa, Hawaii 96746

WINTER K. BAKER
2777 S. Arizona Avenue
Chandler, Arizona 85286

KELVIN ONGORY-MATSUSHIMA
c/o Oahu Community Correctional Center
2199 Kamehameha Highway
Honolulu, Hawaii 96819

GLENN K. MEYERS
98-945 Moanalua Road #705
Aiea, Hawaii 96701

CARL A.K. MEYERS
86-311 Hokupaa Street
Waianae, Hawaii 96792

MONIC H.K. MEYERS
89-225 Mano Avenue
Waianae, Hawaii 96792

GILBERT K. HEANU
P.O. Box 970902
Waipahu, Hawaii 96797

RUSSELL W.K. HEANU
91-1159 Kamakana Street #128
Ewa Beach, Hawaii 96706

BRADFORD P. SUPAN
835 Bing Drive #23
Santa Clara, California 95051

SOLOMON KAKAIO
1235 Morningside Drive
Sunnyvale, California 94087

MATTHEW KAKAIO
8090 SW 129th Terrace Road
Dunnellon, Florida 34432

CARLA L. BELASKI
85-210 Limakokua Place
Waianae, Hawaii 96792

ROXANNE KIPILII
91-1007 Auhola Street
Ewa Beach, Hawaii 96706

CHARLEEN KIPILII-TUCKER
23131 S Warmstone Way
Katy, Texas 77494

CHANTEL TOLENTINO
91-1418 Maliko Street
Ewa Beach, Hawaii 96706

SHANNON K.K. BAKER
156 Kihapai Street #C
Kailua, Hawaii 96734

NATALIA K. KOMOMUA
2458 Aumakua Street
Pearl City, Hawaii 96782

SHAYDEN K.K. BAKER KOMOMUA
156 Kihapai Street #C
Kailua, Hawaii 96734

HENRENE Y. ITO
P.O. Box 345
Papaikou, Hawaii 96781

GLENN I. HEANU
94-820 Awanei Street, Apt.402
Waipahu, Hawaii 96797

KYLE W.I. HEANU
8725 Oak Lawn Street
Las Vegas, Nevada 89148

RUSS KAKAIO
8090 SW 129th Terrace Road
Dunnellon, Florida 34432

JOHN KAKAIO
19600 NE 3rd Street, Apt. 140
Camas, Wisconsin 98607

CANDACE L. BRADLEY
85-1030 Hoomaluhia Street
Waianae, Hawaii 96792

KATHLEEN K. ANDERSON
4600 Davis Ave. S, Apt. T-301
Renton, Washington 98055

CHARLES KIPILII JR.
94-1016 Maiiau Street, Apt. B
Waipahu, Hawaii 96797

VICTORIA KIPILII
517 Camino Real Court, Apt. B
Brandon, Florida 33510

BREE KIPILII
91-1007 Auhola Street
Ewa Beach, Hawaii 96706

JOSEPH N. KOMOMUA IV
2458 Aumakua Street
Pearl City, Hawaii 96782

JOSEPH N. KOMOMUA V
2350 Komomai Drive
Pearl City, Hawaii 96782

JADEEN Y. KONG WEBSTER
P.O. Box 4792
Hilo, Hawaii 96720

ALDA J. KONG KATAGIRI
45-627 Uhilehua Street
Kaneohe, Hawaii 96744

NOELLA J. KONG
c/o Tamashiro Sogi & Bonner, ALC
705 South King Street, Suite 105
Honolulu, Hawaii 96813

SHARI VASCONCELLOS
5647 Anolike Place
Honolulu, Hawaii 96821

CHUCK KAUI AULD
1240 Manu Aloha Street, B
Kailua, Hawaii 96734

DANNIELE NOHEALANI HIRONAKA
1919 Citron Street, Apt. 903
Honolulu, Hawaii 96826

CHRISTIAN K. KOZLOWSKI
1259 Uluwahele Street
Kailua, Hawaii 96734

LESLIE K. AU HOY
c/o Kimberly A. Jackson, Esq.
75-5782 Kuakini Highway, Suite C-2
Kailua-Kona, Hawaii 96740

PERRY ARTATES
P.O. Box 1067
Kula, Hawaii 96790

HEDWIG NAKOOLANI WARRINGTON
516 Auwae Road
Hilo, Hawaii 96720

KINOHI WARRINGTON
516 Auwae Road
Hilo, Hawaii 96720

HOLLY WARRINGTON
90 Central Avenue
Wailuku, Hawaii 96793

KEONI WARRINGTON
1702 Overfield Drive SE
Grand Rapids, Michigan 49508

KAMALEI WARRINGTON
90 Central Avenue
Wailuku, Hawaii 96793

RAYE NAKAGAWA
3241 Brokaw Street
Honolulu, Hawaii 96815

ANGEL LARKIN
3128 S. Honeysuckle Court
Gold Canyon, Arizona 85118

JOY MIKILANI KOEHLER
41-041 Ehukai Street
Waimanalo, Hawaii 96795

CHELSEA AULD-DUONG
7034 Toll Mountain Street
N. Las Vegas, Nevada 89086

HENRIETTA K. PLOMER
1218 Mokapu Boulevard
Kailua, Hawaii 96734

LOURDES K. GOUVEIA
301 Hololani Street
Pukalani, Hawaii 96768

HAUMEA MARK WARRINGTON
909 Kahuna Lane, Apt. 105
Honolulu, Hawaii 96826

KUPIHEA WARRINGTON
516 Auwae Road
Hilo, Hawaii 96720

**KALIKOLEHUAOPANA'EWA
WARRINGTON FATAFEHI**
99-258 Ohialomi Place
Aiea, Hawaii 96701

KAEA WARRINGTON
2630 Maunawai Street, Apt. F
Honolulu, Hawaii 96826

QUINCY WARRINGTON
2110 Kahekili Highway, Unit A
Wailuku, Hawaii 96793

NATALIE WARRINGTON
94-626 Lumiaina Street, Apt. H201
Waipahu, Hawaii 96797

ITULA SUAFOA

56 Waipono Lane, Apt. 104
Wailuku, Hawaii 96793

ELENITA K. SUAFOA

205 Hammock Trl E. Apt. L220
Freeport, Florida 32439

KEITH E. SUAFOA

P.O. Box 1834
Kaunakakai, Hawaii 96748

ANDREW M. SUAFOA

42 One Malia Way
Wailuku, Hawaii 96793

HALIAKA LIMA-ENGLISH

91-1033 Kahanalei Street
Kaunakakai, Hawaii 96748

DAVID LIMA-ENGLISH

P.O. Box 1022
Kaunakakai, Hawaii 96748

SHAWN-ISAAC WISE

89-316 Kauwahi Avenue
Waianae, Hawaii 96792

MICHELE SPACEK

94-291 Mahina Hou Street
Mililani, Hawaii 96789

BRANNON RIVERA

3288 Kanakolu Street
Lihue, Hawaii 96766

STEPHANIE K. ROY-HUSSEY

1231 S 121ST Plaza Apt. 209
Omaha, Nebraska 68144

GREGORY A. WONG YUEN

74-5146 Puuolokaa Place
Kailua-Kona, Hawaii 96740

CATHY K. WONG YUEN

74-5146 Puuolokaa Place
Kailua-Kona, Hawaii 96740

RYAN WONG YUEN

64-154 Puupulehu Loop
Kamuela, Hawaii 96743

LONNIE CECIL HARDWICK

648 N Rosalind Avenue
Rialto, California 92376

ITULA K. SUAFOA JR.

62 Hokulani Street
Hilo, Hawaii 96720

SELEGA K. SUAFOA YANEZ

450 North Alice Street
Dinuba, California 93618

ANO`I K. LIMA-ENGLISH

P.O. Box 1022
Kaunakakai, Hawaii 96748

TA`UA LIMA-ENGLISH

P.O. Box 1570
Kaunakakai, Hawaii 96748

DYLAN LIMA-ENGLISH

P.O. Box 1022
Kaunakakai, Hawaii 96748

RONALD RAYMOND RIVERA SR.

3483 Kahekili Highway
Kapaa, Hawaii 96746

RONALD RIVERA JR.

125 Kahiko Street
Kapaa, Hawaii 96746

CORBETT O. ROY, JR.

6799 Hawaii Kai Drive
Honolulu, Hawaii 96825

TURVELYN K. WONG YUEN

74-5146 Puuolokaa Place
Kailua-Kona, Hawaii 96740

CHAUNCEY T. WONG YUEN

74-5084 Hanahanai Loop
Kailua-Kona, Hawaii 96740

DEBRA FAYE BEAUDET WONG YUEN

64-154 Puupulehu Loop
Kamuela, Hawaii 96743

MARCUS WONG YUEN

64-154 Puupulehu Loop
Kamuela, Hawaii 96743

SHAYNE WONG YUEN
64-154 Puupulehu Loop
Kamuela, Hawaii 96743

KELLEY L. MALUO-PEARSON
149 Limu Ele Ele Street
Wailuku, Hawaii 96793

GEORGE K.K.K. KIPAPA
41-215 Paupahapaha Place
Waimanalo, Hawaii 96795

JOSEPH K. KIPAPA
41-658 Bell Street
Waimanalo, Hawaii 96795

MICHAEL P. KIPAPA
4757 SW 141st Avenue
Beaverton, Oregon 97005

JOHNACA A.L. MENDIOLA
47-711 Akakoa Place
Kaneohe, Hawaii 96744

JOHN A.M. MENDIOLA
46-255 Kahuhipa Street, Apt. A502
Kaneohe, Hawaii 96744

KAANOI I. KIPAPA
94-206 Aniani Place, Apt. 102
Waipahu, Hawaii 96797

MALAKAI K. KIPAPA
873 Prairie Grass Drive
Las Vegas, Nevada 89123

FABIAN S. SABALLA
84-465 Jade Street
Waianae, Hawaii 96792

CHARLES A. JOSEPH, JR.
84-839 Fricke Street
Waianae, Hawaii 96792

MICHIKO JOSEPH
87-142 Kulahanai Place
Waianae, Hawaii 96792

JAMES MICHAEL JOSEPH, JR.
84-473 Upena Street
Waianae, Hawaii 96792

MILO KUUALOHA NAU
367 Todd Avenue
Hilo, Hawaii 96720

GEORGE KURT K. KIPAPA
41-215 Paupahapaha Place
Waimanalo, Hawaii 96795

KURLYN H.S.K.K. KIPAPA
P.O. Box 720
Hauula, Hawaii 96717

NATASHA N.K.A. OLAIVAR
41-680 Kaaumana Place
Waimanalo, Hawaii 96795

KEONI B.A. MENDIOLA
47-346 Waihee Road
Kaneohe, Hawaii 96744

DEZERIE M.A. KIPAPA
84-954 Hana Street
Waianae, Hawaii 96792

TAYLOR J.K. KIPAPA
3313 Park Drive
Santa Ana, California 92707

KYLEE P. OLAIVAR
41-680 Kaaumana Place
Waimanalo, Hawaii 96795

ELIJAH P. KIPAPA
94-206 Aniani Place, Apt. 102
Waipahu, Hawaii 96797

LAVERN JOSEPH
84-839 Fricke Street
Waianae, Hawaii 96792

JANELLE S.A. KAWAI
84-839 Fricke Street
Waianae, Hawaii 96792

KIMIKO JOSEPH
87-1055 Hakimo Road
Waianae, Hawaii 96792

KENJI KEOLA NASH JOSEPH
84-465 Jade Street
Waianae, Hawaii 96792

BRONSON ARCHANGEL JOSEPH NASH
c/o Hawaii State Hospital
45-710 Keaahala Road
Kaneohe, Hawaii 96744

BRENON KILINOE NASH #10740-506
FCI Herlong
Federal Correctional Institution
P.O. Box 800
Herlong, CA 96113

STARLYN JOSEPH
84-182 Kepue Place
Waianae, Hawaii 96792

FAYE JOSEPH
84-182 Kepue Place
Waianae, Hawaii 96792

JANET JOSEPH
84-182 Kepue Place
Waianae, Hawaii 96792

KIYOMI JOSEPH
84-182 Kepue Place
Waianae, Hawaii 96792

DONNA PUNG
50 Maile Street, Apt. 44
Hilo, Hawaii 96720

ELDEN KANANI PUNG
50 Maile Street, Apt. 44
Hilo, Hawaii 96720

NITAYA M. PAAHANA
9900 NE 124th Street # B134
Kirkland, Washington 98034

BLANCHE N. NAIHE
1837 Lower State Road
Doylestown, Pennsylvania 18901

JESSE K.K. NAIHE
3005 Oakwood Drive
Jacksonville, North Carolina 28540

MAELING N. NAIHE-SUMMERFORD
152 Avis Drive
Newport, North Carolina 28570

FRANCHESTA K. BENTON
4191 Sunnyside Drive
Doylestown, Pennsylvania 18902

CHARMINE M. LEAL
1418 Locust Street
Norristown, Pennsylvania 19401

JULIE L. HENDER
94 Woodside Avenue
Chalfont, Pennsylvania 18914

GORDON KALEOLANI NAKANELUA
87-162 Pualeilani Street
Waianae, Hawaii 96792

BRANDON K. NAKANELUA
87-162 Pualeilani Street
Waianae, Hawaii 96792

BRIEANNE K. NAKANELUA
87-162 Pualeilani Street
Waianae, Hawaii 96792

MICHAEL LONO ROY
P.O. Box 22571
Honolulu, Hawaii 96825

STEPHAN JAMES KEAWE ROY
397 Ainahou Street
Honolulu, Hawaii 96825

DATED: Honolulu, Hawaii, October 18, 2024.

/s/ Emily H. Kawashima
EMILY H. KAWASHIMA
Probate Special Master