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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 #14, FILED
OCTOBER 4, 2024; CERTIFICATE
OF SERVICE**

Hearing:

Date: December 6, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #14**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate Special Master to examine the Petition for Instructions #14, filed October 4, 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 #14, filed October 4, 2024, with Exhibits;
- Notice of Hearing published in the Star-Advertiser on November 4, 2024 and November 11, 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 #14 in the Honolulu Star-Advertiser on November 4, 2024 and November 11, 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) LILLY L. WILSON LINDSEY

Your Master reviewed the facts contained in Petition #14, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

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 Sec. 2-103, if there is no surviving spouse, the intestate estate passes to the issue of the decedent.

One of the decedent's children, Frank K. Kalama, Jr., died after the decedent in 2008. Therefore, his surviving spouse, Gladys Kalama, would have received his intestate share. Gladys Kalama died in 2024, after her husband, leaving a Will. Your Master reviewed the Last Will and Testament of Gladys M. Kalama dated, dated June 27, 2017, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Gladys M. Kalama Revocable Trust, dated June 27, 2017.

The Trust indicates that Frank Kumukoa Kalama, IV and Clair Leimomi Cummings are the next-acting Co-Trustees. Both the Will and Trust are included as Exhibit “A” of Petition #14.

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 as follows:

ELIZABETH J. LINDSEY-CROWLEY – ONE-FOURTH (1/4)
SARAH ANN I. LINDSEY – ONE-FOURTH (1/4)
LINDA LEILANI K. LINDSEY KAAPUNI – ONE-FOURTH (1/4)
FRANK KUMUKOA KALAMA, IV and CLAIR LEIMOMI CUMMINGS,
Co-Trustees of the Gladys M. Kalama Revocable Trust dated June 27, 2017,
to be administered in accordance with said Trust – ONE-FOURTH (1/4)

(B) JOHN A.K. PUNUA

Your Master reviewed the facts contained in Petition #14, 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 attempted to contact the descendant but as of the date of filing, did not make contact.

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 **HERENUI PUNUA.**

(C) DONALD PUANAALA KAOPUIKI

Your Master reviewed the facts contained in Petition #14, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Elaine Leilani Miranda, also known as Elaine Kaopuiki. Your Master also reviewed the Letters Testamentary, filed on May 18, 2023, in P. No. 1CLP-23-0000389, in the First Circuit, State of Hawai'i. Exhibit "B" of Petition #14.

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 **BERNARD ALLAN HALUALANI KAOPUIKI, Personal Representative of the Estate of Donald Punaala Kaopuiki.**

(D) GEORGE PAUL MILLES

Your Master reviewed the facts contained in Petition #14, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Murie Mayling Chang, also known as Murle Mayling Milles, who died after the decedent in 2021.

Your Master reviewed the Last Will and Testament of George P. Milles, dated June 13, 2019, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the George P. Milles Revocable Trust, dated September 9, 2010, as amended and restated.

The Trust indicates that Constantine I. Nightingdale is the next-acting Trustee. Copies of the Will the Trust are attached as Exhibit “D” to Petition #14.

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 **CONSTANTINE I. NIGHTINGDALE, Trustee of the George P. Milles Revocable Trust dated September 9, 2010, as amended and restated**, to be distributed in accordance with the terms of the Trust.

(E) JOSEPH KAHAKU KEALOHA

Your Master reviewed the facts contained in Petition #14, as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Tammy Momilani Victorine, also known as Tammy Momilani Kealoha.

Your Master reviewed the Last Will and Testament of Joseph Kahaku Kealoha, dated May 21, 2004, which has not been admitted to probate but directs the residue of the estate to be devised to Tammy Momilani Kealoha. The Will is attached as Exhibit “E” to Petition #14. The Letters Testamentary will be submitted at a later date.

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 **TAMMY MOMILANI KEALOHA**.

(F) CARRIE KAIA PALI PANG

Your Master reviewed the facts contained in Petition #14, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Herbert Pang. Herbert Pang died after the decedent in 2013.

Your Master reviewed the Last Will and Testament of Carrie Kaia Pang, dated October 5, 2010, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the H&C Pang Irrevocable Trust, dated October 5, 2010.

The Trust indicates that Nathan Wai Mum Pang is the next-acting Trustee. Copies of the Will and the Certificate of Trust are attached as Exhibit "F" to Petition #14.

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 **NATHAN WAI MUM PANG, Trustee of the H. & C. Pang Irrevocable Trust dated October 5, 2010**, to be distributed in accordance with the terms of the Trust.

(G) LIVE M. NIHEU

Your Master reviewed the facts contained in Petition #14, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to

Rebecca Kapahu, also known as Rebecca K. Niheu who died after the decedent in 2011. No Will or Trust has been submitted for either. On or about October 30, 2024, your Master spoke to the decedent's daughter, Claire Niheu. She confirmed that her father and mother did not have a Will or Trust and that she and her four siblings are the only descendants of the decedent and his 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.

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:

MIRIAM L. CHAVIES – ONE-FIFTH (1/5)
RUTH N. NIZO – ONE-FIFTH (1/5)
PAMELA L. KAMAKELE – ONE-FIFTH (1/5)
CLAIRE L. NIHEU – ONE-FIFTH (1/5)
MARILYN K. NIHEU – ONE-FIFTH (1/5)

(H) FRANCIS H. NIHOA

Your Master reviewed the facts contained in Petition #14, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Bernice Williams, also known as Bernice Nihoa, who died after the decedent in 2015. Because the surviving spouse died after the decedent, her estate would receive the settlement. No Will or Trust has been submitted for either.

On or about October 30, 2024, your Master spoke to the decedent's daughter, Iris Nihoa. She confirmed that her father and mother did not have a Will or Trust and that the beneficiaries listed below are accurate. She also wanted to correct that Jordan N. Nihoa, rather than Samantha Lehua Nihoa, is from a previous relationship.

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:

IRIS A. NIHOA – ONE-FIFTH (1/5)
DUKE ANDREW BURNS – ONE-FIFTH (1/5)
AUDREY L. CAMPBELL – ONE-FIFTH (1/5)
LAURA N. NIHOA – ONE-FIFTH (1/5)
CARYN NIHOA – ONE-FIFTH (1/5)

(I) ARTESHA K. WOODWORTH K'OLMOS (also known as ALBERTA K. OLMOS)

Your Master reviewed the facts contained in Petition #14, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Kenneth Hung Chen Ching, Jr. There was no will or trust submitted. On or about October 30, 2024, your Master spoke with surviving spouse Kenneth Ching, Jr., who confirmed that his wife did not have a Will or Trust and that the decedent's descendants are from a prior relationship.

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 as follows:

KENNETH CHING, JR. - \$100,000, plus one-half balance
JERRICK KAANOI – One-Quarter Balance over \$100,000
K.K.K., A MINOR CHILD: – One-Quarter Balance over \$100,000

(J) FLORA LEIOMALAMA DESHA BEAMER SOLOMON

Your Master reviewed the facts contained in Petition #14, as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Randolph Folau Solomon, who died after the decedent. No Will or Trust has been submitted. On or about October 30, 2024, your Master spoke to the decedent’s daughter, Alice L. Solomon. She confirmed that her parents did not have a Will or Trust and that she and 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. The decedent and her surviving spouse have the same heirs.

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:

ALICE L. SOLOMON – ONE-THIRD (1/3)
HULALI SOLOMON COVINGTON – ONE-THIRD (1/3)
RANDOLPH F. SOLOMON III
(Descendant of Randolph F. Solomon, Jr.) – ONE-THIRD (1/3)

(K) ELIZABETH P.K. KELIIHOLOKAI

Your Master reviewed the facts contained in Petition #14, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Francis Alohikea Keliiholokai. There was no will or trust submitted. On or about October 30, 2024, your Master spoke to the decedent's son, Richard Galindo, who confirmed that his mother did not have a Will or Trust and that his father is the 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."

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, **FRANCIS ALOHIKEA KELIIHOLOKAI**.

(L) **FRANCOIS GREENE WALLACE**

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Jean Arlene Hale, also known as Jean Arlene Wallace.

Your Master reviewed the Will of Francois Greene Wallace, dated September 20, 2001, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Francois Greene Wallace Revocable Living Trust, dated September 20, 2001.

The Trust indicates that Jean Arlene Wallace is the next-acting Trustee. Copies of the Will the Trust are attached as Exhibit "H" to Petition #14.

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 **JEAN ARLENE WALLACE, Trustee of the Francois Green Wallace Revocable Living Trust dated September 20, 2001**, to be distributed in accordance with the terms of the Trust.

(M) **WILLIAM K. SPENCER**

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Mary Kaekae Woolsey, also known as Mary Kaekae Spencer, who died after the decedent. Under the laws of intestacy, the surviving spouse's estate is entitled to the distribution.

Your Master reviewed the Will of Mary K. W. Spencer, dated September 19, 2000, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Mary K. W. Spencer Self-Trusteed Trust, dated September 19, 2000.

The Trust indicates that Charles P. Spencer is the next-acting Trustee. Copies of the Will the Trust are attached as Exhibit "I" to Petition #14.

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 **CHARLES P. SPENCER, Trustee of the Mary K.W. Spencer Self-Trusteed Trust Agreement dated September 19, 2000**, to be distributed in accordance with the terms of the Trust.

(N) **MARY KAEKAE SPENCER**

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Your Master reviewed the Will of Mary K. W. Spencer, dated September 19, 2000, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Mary K. W. Spencer Self-Trusteed Trust, dated September 19, 2000.

The Trust indicates that Charles P. Spencer is the next-acting Trustee. Copies of the Will the Trust are attached as Exhibit "I" to Petition #14.

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 **CHARLES P. SPENCER, Trustee of the Mary K.W. Spencer Self-Trusteed Trust Agreement dated September 19, 2000**, to be distributed in accordance with the terms of the Trust.

(O) WESLEY KUULEIHPUIAIKEALAONAONA SPENCER

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Nancy Susanne King, also known as Nancy Susanne Spencer. There was no will or trust submitted. On or about October 30, 2024, your Master spoke to the decedent’s daughter who confirmed that her father did not have a will or trust and that she and her brother are the children of the decedent and his surviving spouse. She also noted that Wesley K. Spencer’s correct address is: 3365 Kilauea Avenue, Honolulu, Hawaii 96816.

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 **NANCY SUSANNE SPENCER.**

(P) ENOCH KEKUIOKALANI SPENCER JR.

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Henrietta Kupahu, also known as Henrietta A. Spencer. There was no will or trust submitted. On or about October 30, 2024, your Master spoke to the decedent's surviving spouse. She confirmed that her husband did not have a Will or Trust and that her four children 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 **HENRIETTA A. SPENCER.**

(Q) JAMES KELEHUA KEKUEWA

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Sandra Akami, also known as, Sandra A. Kekuewa. There was no will or trust submitted. On or about October 30, 2024, your Master spoke to the decedent's surviving spouse. She confirmed that her husband did not have a Will or Trust and that the descendants were those of the decedent only. She also shared that Rhapsody Kekuewa wanted to decline her settlement funds and would be sending written confirmation. Your Master will supplement her report when received.

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 exceeds 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 as follows:

SANDRA A. KEKUEWA – First \$100,000, plus one-half (1/2) of any balance
CHARMAINE K. KEKUEWA – One-Tenth (1/10) of balance
LORNA J. KEKUEWA – One-Tenth (1/10) of balance
DANIEL F. KEKUEWA – One-Tenth (1/10) of balance
KIM L. KEKUEWA – One-Tenth (1/10) of balance
BURGUNDY-JANE A. DIAS – One-Fortieth (1/40) of balance
LANDON BLUE K. KEKUEWA – One-Fortieth (1/40) of balance
RHAPSODY K. KEKUEWA – One-Fortieth (1/40) of balance
JAMES K. KEKUEWA III – One-Fortieth (1/40) of balance

(R) ANNETTE LEIMOMI LEAR

Your Master reviewed the facts contained in Petition #14 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 30, 2024, your Master spoke to the decedent's son, David Lear. He confirmed that his mother did not have a Will or Trust and that he and his 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:

EDEN K. STEWART – ONE-THIRD (1/3)
DAVID K. LEAR – ONE-THIRD (1/3)
APRIL M. FAULKNER – ONE-THIRD (1/3)

(S) HENRIETTA LEILANI ORTA

Your Master reviewed the facts contained in Petition #14 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 tried but was unable to contact a family member.

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 L ORTA – ONE HALF (1/2)
NOREEN K COLLINS – ONE HALF (1/2)

(T) **GLADYS K. MINCHEW**

Your Master reviewed the facts contained in Petition #14 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 tried but was unable to contact a family member.

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:

KAUI A. HARRISON – ONE-FOURTH (1/4)
SABRINA K. TRUJILLO – ONE-FOURTH (1/4)
KUULEINANI MAUNUPAU – ONE-FOURTH (1/4)
KALEI MANUIA – ONE-FOURTH (1/4)

(U) **SOLOMON KALUAOPAHA MAKALENA**

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Mary N. Piohia, also known as, Mary N. Makalena, who died after the decedent.

Your Master reviewed the Will of Solomon Kaluaopaha Makalena, Jr., dated August 22, 2007, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Solomon Kaluaopaha Makalena, Jr. Trust, dated August 22, 2007. The Trust indicates that June Kihapai Makalena is the next-acting Trustee. Copies of the Will and the Trust are attached as Exhibit "J" to Petition #14.

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 **JUNE KIHAPAI MAKALENA, Trustee of the Solomon Kaluaopaha Makalena, Jr. Trust dated August 22, 2007**, to be distributed in accordance with the terms of the Trust.

(V) **MARY KUULEIALOHAPOINAOLEKEONAONA PAI MACHADO**

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Your Master reviewed the Will of Mary P. Machado, dated September 26, 1995, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Mary P. Machado Living Trust, dated September 26, 1995. The Trust indicates that Spencer

Machado is the next-acting Trustee. Copies of the Will the Trust are attached as Exhibit “K” to Petition #14.

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 **SPENCER MACHADO, Trustee of the Mary P. Machado Living Trust dated September 26, 1995**, to be distributed in accordance with the terms of the Trust.

(W) HANSEL P. KANE

Your Master reviewed the facts contained in Petition #14 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 Hansel P. Kane, dated April 22, 2002, which has not been admitted to probate but directs the residue of the estate to be devised to Hazel J. Kane. The Will is attached as Exhibit “L” to Petition #14.

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 **HAZEL JANE KANE**.

(X) RUBY KEAPOLANI PRUNESTI

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

As noted in the Petition, the decedent had a Trust, but no Will. Your Master reviewed the Last Will and Testament of the decedent's deceased spouse, Frank A. Prunesti, dated March 25, 1993, which is a pour over will and directs the residuary estate to the Prunesti Family Living Trust, dated March 25, 1993. Exhibit "M" to Petition #14.

While it is likely that the decedent had a similar or mirror Will, your Master prefers to follow the laws of intestacy, since a Will could not be located. Regardless, the outcome is the same as if the terms of the Trust were followed. 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:

LANI KEALOHA PRUNESTI BORTON – ONE-SIXTH (1/6)
FRANK A.K. PRUNESTI – ONE-SIXTH (1/6)
TRACEY A. BETTS – ONE-SIXTH (1/6)
KIMBERLEY WALKER – ONE-SIXTH (1/6)
STACEY KALUHIOKALANI – ONE-SIXTH (1/6)
MIA PRUNESTI – ONE-SIXTH (1/6)

(Y) **RODNEY PUPUHI**

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Dora Jane Cabatang, also known as Dora Pupuhi. 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 **DORA PUPUHI**.

(Z) **JAMES KAIPOLAUEA REYES**

Your Master reviewed the facts contained in Petition #14 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 30, 2024, your Master spoke to the decedent's son, Barrett Reyes. He confirmed that his father did not have a Will or Trust and that he and his 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:

BARRETT K. REYES – ONE-HALF (1/2)
BLAINE WAILANI REYES – ONE-HALF (1/2)

(AA) JOANNA MAUI RAMOS

Your Master reviewed the facts contained in Petition #14 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. On or about October 30, 2024, your Master spoke to the decedent's daughter, Cheryl Ramos. She confirmed that her mother did not have a Will or Trust and that she and her three siblings are the only descendants of the decedent.

Pursuant to HRS §560:2-103, 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:

JULIANA KAUPU – ONE-FOURTH (1/4)
MARIALENA K. RAWLINS – ONE-FOURTH (1/4)
CHERYL U. RAMOS – ONE-FOURTH (1/4)
BENNY M. RAMOS JR. – ONE-FOURTH (1/4)

(BB) JOHN KOLII KEKAUOHA JR.

Your Master reviewed the facts contained in Petition #14 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 tried but was unable to contact a family member.

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:

CAREY KEKAUOHA – ONE FIFTH (1/5)
JOHN KEKAUOHA III – ONE FIFTH (1/5)
KYLE KEKAUOHA – ONE FIFTH (1/5)
KAYLAH KEKAUOHA – ONE FIFTH (1/5)
JONNEL M RODRIGUES – ONE FIFTH (1/5)

(CC) LILLIAN LAAHIWA KELLY

Your Master reviewed the facts contained in Petition #14 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 30, 2024, your Master spoke to the decedent's son, Lee Kelly. He confirmed that his mother did not have a Will or Trust and that his siblings or their descendants are correctly 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:

EMMETT K. KELLY – ONE-SEVENTH (1/7)
LEE A. KELLY – ONE-SEVENTH (1/7)
KELIILAWAIANUI IKAIKA KELLY – ONE-SEVENTH (1/7)
EDWARD H. KELLY – ONE-SEVENTH (1/7)
KINOHIOLA SANTOS
(Descendant of Edwina M. K. White) – ONE-FOURTEENTH (1/14)
KEOLAHOU KALANI WHITE
(Descendant of Edwina M. K. White) – ONE-FOURTEENTH (1/14)
KAULANA KALANIOLA WHITE
(Descendant of Edwina M. K. White) – ONE-FOURTEENTH (1/14)
ROSEMARIE KANANI OKEANUENUE KELLY
(Descendant of Lyman Kelly) – ONE-FOURTEENTH (1/14)
CHARLYNN NIEVES
(Descendent of Lynn H. Kaluna)– ONE-FORTY SECOND (1/42)
KUIOLA KELLY
(Descendent of Lynn H. Kaluna) – ONE-FORTY SECOND (1/42)
KAIPO KALUNA
(Descendent of Lynn H. Kaluna) – ONE-FORTY SECOND (1/42)
KALEO KALUNA
(Descendent of Lynn H. Kaluna) – ONE-FORTY SECOND (1/42)
KAMALINOOKEKAI KALUNA
(Descendent of Lynn H. Kaluna) – ONE-FORTY SECOND (1/42)
KELLY KALUNA
(Descendent of Lynn H. Kaluna) – ONE-FORTY SECOND (1/42)

(DD) JOHN WILLIAM MOKULEHUA

Your Master reviewed the facts contained in Petition #14 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. Your

Master also reviewed the Letters Testamentary, filed on March 17, 2023, in P. No. 1CLP-22-0000872, in the First Circuit, State of Hawai'i. Exhibit "O" of Petition #14.

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 **JAYME-LEE MOKULEHUA, Personal Representative of the Estate of John William Mokulehua.**

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 #14;
- B. That the Court grant the Petition for Instructions #14, filed October 4, 2024;
- 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. Grant such other and further relief as this Court may deem just and equitable.

DATED: Honolulu, Hawai'i, on November 6, 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.

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DATED: Honolulu, Hawaii, November 6, 2024.

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