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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 #16, FILED
DECEMBER 3, 2024; CERTIFICATE
OF SERVICE**

Hearing:

Date: January 10, 2025

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #16**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate Special Master to examine the Petition for Instructions #16, filed December 3, 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 #16, filed December 3, 2024, with Exhibits;
- Notice of Hearing published in the Star-Advertiser on December 13, 2024 and December 20, 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 #16 in the Honolulu Star-Advertiser on December 13, 2024 and December 20, 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) ROSEMARY MALIA CABILES

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Vivincio Cabiles who died after the decedent in 2001.

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 560:2-102, "The intestate share of the surviving spouse is...[i]f there is surviving issue or parent of the decedent ... one-half of the intestate estate." There is no designated dollar amount that either should inherit before this provision applies. The surviving issue of the deceased child shall take by representation. Section 2-106. Your Master does not take any spousal or homestead elections into account due to the nature of the award and the date of death.

The surviving spouse also died intestate. Therefore, his one-half of the decedent's settlement will go to his three heirs at law: Kapiolani, Ben and Estella will each receive 1/6 share of the total settlement.

The decedent's four descendants, had they all survived, would receive one-half of the decedent's settlement, or 1/8 of the total settlement. However, of the four, only Kapiolani Cabiles survives and will receive her mother's 1/8 share in addition to her 1/6 share from her father, totaling 7/24.

The remaining three descendants of the decedent died before and after the decedent:

Descendant Herman Nakabayashi died after the decedent but left a Last Will and Testament of Herman Masaichi Nakabayashi, dated January 26, 1995. Your Master reviewed the Will which has not been admitted to probate but directs the residue of the estate to be devised to his wife Sunye Lee Nakabayashi. The Will is attached as Exhibit "A" to Petition #16. Therefore, Sunye Nakabayashi should receive 1/8 of the total settlement.

Descendant Raymond Nakabayashi predeceased the decedent and died intestate. He was survived by six children who would be entitled to share his 1/8 of the settlement proceeds, or 1/48 each. Therefore, Gaylen Beyers, Roy Nakabayashi, Ray Nakabayashi, Clayton Nakabayashi and Iwalani Lange are each entitled to 1/48 of the settlement. However, one of his six children, Debra Madeiros, subsequently died, leaving three children: Kawika Madeiros, Wendy Pierce and Roxanne Madeiros, who would share their mother's 1/48 share equally, or 3/144 each.

Descendant Leilani Young died after the decedent but left a pourover Will and Trust. Your Master reviewed the Last Will of Leilani Z. Young, dated April 9, 2010, which has not

been admitted to probate. The Will is a pour over will and directs the residuary estate to the L. Young 2010 Family Trust, dated April 9, 2010.

The Trust indicates that Julia Leilani Young is the next-acting Trustee. Copies of the Will and the Certification of the Trust are attached as Exhibit "B" to Petition #16. Therefore, the Trustee is entitled to the Settlor's 1/8 share of the total settlement.

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:

KAPIOLANI N. CABILES – 7/24
BEN CABILES – 1/6
ESTELLA ROSEMARY LOKE OSTAPIEJ ADAMS – 1/6
SUNYE LEE NAKABAYASHI – 1/8
JEANIE BEYERS – 1/48
KAWIKA MADEIROS – 1/144
WENDY PIERCE – 1/144
ROXANNE MADEIROS – 1/144
ROY K NAKABAYASHI – 1/48
RAY NAKABAYASHI – 1/48
CLAYTON NAKABAYSHI – 1/48
IWILANI LANGE – 1/48
JULIA LEILANI YOUNG, TRUSTEE OF THE L. YOUNG 2010 FAMILY TRUST DATED APRIL 9, 2010 – 1/8, to be distributed in accordance with the terms of the Trust.

(B) SAMUEL KELIIHOOMALU

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Cecilia P. Calles, also known as Cecilia Kelihoomalua, who has since died. There was no will or trust

submitted. Your Master spoke to Mabel Ann Keliioomalū who confirmed that none of the deceased named below had Wills or Trusts.

The decedent and his spouse shared three children together. Another child is from the decedent's first marriage and not a child of the surviving spouse.

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

The estate of Cecelia Keliioomalū is entitled to the first \$100,000.00 of the settlement plus one-half balance over that amount. She was survived by three descendants: Mabel Spencer, Robert Keliioomalū and Samuel Keliioomalū, Jr. who would each receive 1/3 of their mother's share. Samuel Jr. died intestate after his mother and was not survived by a spouse or children. Pursuant to HRS §560:2-103(f), if a decedent is not survived by a descendant or parent but is survived by one or more descendants of a deceased parent, the intestate estate shall pass by representation to the surviving descendants of the decedent's deceased parents. Therefore, Samuel Jr.'s heirs are his siblings: Mabel Spencer, Sandra Kipapa and Robert Keliioomalū. Since Robert Keliioomalū predeceased Samuel, Jr., that share would pass to Robert's descendants: Preston Keliioomalū and Ronni Keliioomalū.

The descendants of the decedent are entitled to one-half of the amount over \$100,000.00. The decedent's four children: Sandra Kipapa, Mabel Spencer, Robert Keliioomalū and Samuel Keliioomalū, Jr., would share ½ of the amount over \$100,000.00. Samuel Jr.'s share would pass to his two surviving siblings, and to Robert's descendants. Robert's share would pass to his surviving spouse.

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

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

The first \$100,000, plus one half of the balance of the settlement proceeds should be distributed in the following proportions:

MABEL A. SPENCER – FOUR-NINTHS (4/9)
SANDRA KIPAPA – ONE-NINTH (1/9)
KIMBERLY KELIIHOOMALU – ONE-THIRD (1/3)
PRESTON KELIIHOOMALU – ONE-EIGHTEENTH (1/18)
RONNI KELIIHOOMALU – ONE-EIGHTEENTH (1/18)

The remaining balance of said settlement proceeds should be distributed in the following proportions:

MABEL A. SPENCER – ONE-THIRD (1/3)
SANDRA KIPAPA – ONE-THIRD (1/3)
KIMBERLY KELIIHOOMALU – ONE-FOURTH (1/4)
PRESTON KELIIHOOMALU – ONE-TWENTYFOURTH (1/24)
RONNI KELIIHOOMALU – ONE-TWENTYFOURTH (1/24)

(C) CECILIA PUALANI KELIIHOOMALU

Your Master reviewed the facts contained in Petition #16 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. Your Master spoke to Mabel Ann Keliioomalua who confirmed that none of the deceased named below had Wills or Trusts.

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 was survived by three descendants: Mabel Spencer, Robert Keliioomalu and Samuel Keliioomalu, Jr. who would each receive 1/3 of the settlement amount. Samuel, Jr. died intestate after his mother and was not survived by a spouse or children. Pursuant to HRS §560:2-103(f), if a decedent is not survived by a descendant or parent but is survived by one or more descendants of a deceased parent, the intestate estate shall pass by representation to the surviving descendants of the decedent's deceased parents. Therefore Samuel, Jr.'s heirs are his three siblings: Mabel Spencer, Sandra Kipapa and Robert Keliioomalu. Since Robert Keliioomalu predeceased Samuel, Jr., that share would pass to Robert's descendants: Preston Keliioomalu and Ronni Keliioomalu. Robert's 1/3 share would pass to his surviving spouse, Kimberly.

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:

MABEL A. SPENCER – FOUR-NINTHS (4/9)
SANDRA KIPAPA – ONE-NINTH (1/9)
KIMBERLY KELIIHOOMALU – ONE-THIRD (1/3)
PRESTON KELIIHOOMALU – ONE-EIGHTEENTH (1/18)
RONNI KELIIHOOMALU – ONE-EIGHTEENTH (1/18)

(D) ELINOR LEHUA BRANCO

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Wilbert Branco, who died after the decedent. No Will or Trust has been submitted. Your Master

spoke to the decedent's daughter, Diana Berrien. She confirmed that her mother and father did not have a Will or Trust and that she and her four siblings are the only descendants of the decedent and her 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:

MICHAEL BRANCO – ONE-FIFTH (1/5)
DIANA BERRIEN – ONE-FIFTH (1/5)
TRINIDAD BRANCO – ONE-FIFTH (1/5)
ROXANNE BRANCO ORONA – ONE-FIFTH (1/5)
OHELO KALIKOLEHUA SMITH – ONE-TENTH (1/10)
KAMALEI LEHUA SMITH – ONE-TENTH (1/10)

(E) SOLOMON KEAHUKAPU MAUNU

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Violet Tai Kyau Lee, also known as Violet L. Maunu, who is also deceased.

Your Master reviewed the Living Trust of Solomon K. Maunu and Violet L. Maunu, dated October 22, 1992 and attached Exhibit "C" to Petition #16. A will could not be located. Based on the review of the Trust, your Master agrees that the laws of intestacy are consistent with the Trust's distribution terms.

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:

CAROLYN H. MAUNU-HENDRIX – ONE FOURTH (1/4)
MELVIN K. MAUNU – ONE FOURTH (1/4)
SHAROLYN P. MAUNU – ONE FOURTH (1/4)
MARILYN K. CASTRO – ONE FOURTH (1/4)

(F) BERNICE MONA NITTA

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Robert Shigeo Nitta, Sr., who subsequently died. No Will or Trust has been submitted. Your Master attempted to contact a family member but was unsuccessful.

The decedent and her spouse had nine descendants. Lynn Nitta predeceased both parents but had no spouse or children. Pursuant to HRS §560:2-103(f), if a decedent is not survived by a descendant or parent but is survived by one or more descendants of a deceased parent, the intestate estate shall pass by representation to the surviving descendants of the decedent's deceased parents. Her share would go to her siblings. Rodney Nitta and Regan Nitta died after both parents.

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:

SHIGEO R. NITTA – ONE-EIGHTH (1/8)
LORIANN R. NITTA – ONE-EIGHTH (1/8)
JOSEPHINE HERNANDO NITTA – ONE-EIGHTH (1/8)
NORINE MATSUMURA – ONE-EIGHTH (1/8)
NOELLA C. IWAHASHI – ONE-EIGHTH (1/8)
ROGER S. NITTA – ONE-EIGHTH (1/8)
ROBERTA S. KAMAKAWIWOOLE-HODSON – ONE-EIGHTH (1/8)
LANCE NITTA ONE-SIXTEENTH (1/16)
A.K.N., A MINOR CHILD – ONE-SIXTYFOURTH (1/64)
A.K.H.N., A MINOR CHILD – ONE-SIXTYFOURTH (1/64)
K.D.N., A MINOR CHILD – ONE-SIXTYFOURTH (1/64)
K.D.N., A MINOR CHILD – ONE-SIXTYFOURTH (1/64)

(G) CATHERINE LEINAALA GAGNON

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced.

Your Master reviewed the Last Will and Testament of Catherine Leinaala Gagnon, dated October 24, 1985, which has not been admitted to probate but directs the residue of the estate to be devised to her surviving spouse, or if none then in equal shares to her children who survive her or the issue of her children who predecease her. The Will is attached as Exhibit "E" to Petition #16.

Since the decedent was divorced at the time of her death, the residue goes to her surviving children, in equal shares. While all four children survived the decedent, only one is

currently living and the other three died after the decedent. Therefore, there will be four shares, and the heirs of each of the three post-deceased children will receive a one-fourth share.

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:

BARBARA LOUISE DAVIS – ONE-FOURTH (1/4)
TERRY LYNN GUNDO WILSON – ONE-FOURTH (1/4)
EDWINA LAGAMEN – ONE-TWENTIETH (1/20)
SHARON CUMMINGS – ONE-TWENTIETH (1/20)
ROBERT CUMMINGS – ONE-TWENTIETH (1/20)
ANTONE CUMMINGS – ONE-TWENTIETH (1/20)
AMBER K. CUMMINGS – ONE-FOURTIETH (1/40)
SONGSEARRAE CUMMINGS – ONE-FOURTIETH (1/40)
FAITH KAPULANI WILLIAMSON – ONE-TWENTYFOURTH (1/24)
MICHAEL LEACH – ONE-TWENTYFOURTH (1/24)
TYLER WILLIAMSON – ONE-TWENTYFOURTH (1/24)
MELYNDA ROBYN MEHEALANI WILLIAMSON – ONE-TWENTYFOURTH (1/24)
CHRISTOPHER QUALTERS – ONE-TWENTYFOURTH (1/24)
TIMOTHY BRIAN LEACH – ONE-TWENTYFOURTH (1/24)

(H) ANDREW KAAWA III

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as married to Jeanne Kahakukaalani Keoho, also known as Jeanne Kaawai. There was no will or trust submitted. Your Master spoke to the decedent's spouse. She confirmed that her husband did not have a Will or Trust and that her six children are the descendants of herself and the decedent.

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

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

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

(I) MELANIE K. RUIS (also known as MELANIE MAKUA)

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. Your Master spoke to the decedent's daughter, Lovelin Makua. She confirmed that her mother did not have a Will or Trust and that she and her two siblings are the only descendants of the decedent.

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

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

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

LOVELIN K. MAKUA – ONE THIRD (1/3)
JEVON T. RUIS – ONE THIRD (1/3)
KUUIPOMAKAMAE K. SCALF – ONE THIRD (1/3)

(J) ROBERT KEOAHU KALAHIKI SR.

Your Master reviewed the facts contained in Petition #16 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 emailed with the decedent's son, Robert "Lopaka" Kalahiki, who confirmed that his father did not have a Will or Trust and that he and his 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:

TAMMIE-LEE A. KALEIKINI – ONE-FIFTH (1/5)
ROBERT K. KALAHIKI, JR. – ONE-FIFTH (1/5)
CANDACE J. KALAHIKI – ONE-FIFTH (1/5)
TODD F. KALAHIKI – ONE-FIFTH (1/5)
TORSTEN CABRAL – ONE-FIFTH (1/5)

(K) HELENA KALAMA SILVA (also known as HELEN KALAMA SILVA)

Your Master reviewed the facts contained in Petition #16 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 Renewed Letters Testamentary, filed on June 22, 2017, and Order Approving Final Accounts and Distributing and Settling Estate, filed on November 27, 2019, in P. No. 13-1-0061, in the Fifth Circuit, State of Hawai'i. Exhibit "F" of Petition #16.

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 the decedent's 14 surviving children:

SAN I. SILVA – ONE-FOURTEENTH (1/14)
HELENA S. MEDEIROS – ONE-FOURTEENTH (1/14)
PAULA P. BACIO – ONE-FOURTEENTH (1/14)
HILDGARDE K. MIYASHIRO – ONE-FOURTEENTH (1/14)
EGON K. SILVA – ONE-FOURTEENTH (1/14)
IRA K. SILVA – ONE-FOURTEENTH (1/14)
PAULETTE Y. GRACE – ONE-FOURTEENTH (1/14)
MARYANN U. MANINTIN – ONE-FOURTEENTH (1/14)
PAUL P. SILVA JR. – ONE-FOURTEENTH (1/14)
NORNETTE P. CALLARDO – ONE-FOURTEENTH (1/14)
HELENE W. KIMBLE – ONE-FOURTEENTH (1/14)
WINONA C. LEE – ONE-FOURTEENTH (1/14)
ABRAM K. SILVA – ONE-FOURTEENTH (1/14)
CAMERON SILVA – ONE-FOURTEENTH (1/14)

(L) ELIJAH NAHINALAU LEE LOY

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Cynthia Lee, also known as Cynthia Lee Loy, who subsequently died.

Your Master reviewed the Last Will and Testament of Elijah Nahinalau Lee Loy, dated May 25, 2001, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Elijah N. Lee Loy Trust, dated January 7, 1996, as restated and amended.

The Trust indicates that Aaron A. Lee is the next-acting Trustee. Copies of the Will and the Trust are attached as Exhibit "G" to Petition #16.

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 **AARON A. LEE, Trustee of the Elijah N. Lee Loy Trust dated June 7, 1996, as amended**, to be distributed in accordance with the terms of the Trust.

(M) HERBERT AK CAMPOS

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Marjorie Lindback, also known as Marjorie Campos, who subsequently died. There was no will or trust submitted. Your Master spoke to the decedent's daughter, Helen Pahukoa, now known as Helen Moku. She confirmed that her father and mother did not have a Will or Trust and that she and her three siblings are the only descendants of the decedent. Helen's new address is: 1704 Wili Pa Loop, PMB 242, Wailuku, Hawaii 96793.

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, since the surviving spouse died after 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:

PAUL CAMPOS – ONE-FOURTH (1/4)
HERBERT CAMPOS – ONE-FOURTH (1/4)
MICHAEL CAMPOS – ONE-FOURTH (1/4)
HELEN PAHUKOA MOKU – ONE-FOURTH (1/4)

(N) LORRAINE HUME CHEW

Your Master reviewed the facts contained in Petition #16 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 Lorraine H. Chew, dated July 23, 2012, which has not been admitted to probate but directs the residue of the estate to be devised to Marva Lynn W. Chew. The Will is attached as Exhibit "H" to Petition #16.

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 **MARVA LYNN CHEW**.

(O) ELLSWORTH KIEKIE KAOHI, SR.

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Joanne Marie Hardt, also known as Joanne Hardt Kaohi, who subsequently died. Her estate would receive the full settlement amount. The decedent’s spouse had a Will which was probated and closed.

Your Master reviewed the Order Granting Petition for Probate of Will and Appointment of Personal Representative, filed May 4, 2022, Closing Statement of Personal Representative and Final Accounts, filed December 12, 2023, in P. No. 3CLP-22-0000036, in the Third Circuit, State of Hawaii, for the *Estate of Joanne H. Kaohi*. Exhibit “I” to Petition #16. Although the Will was not provided, the Final Accounts note the percentage distribution to each devisee.

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 as follows:

ELLSWORTH K. KAOHI, JR. – 30%
ROSLYN C.P. CHOI – 30%
KIMBERLY J.L. KAOHI – 30%
SUZANNE E. MOORE – 3.33%

DOUGLAS E. HARDT – 3.33%
BRETT A. HARDT – 3.33%

(P) LAWRENCE TRIPP GRAMBERG

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Divorced. No Will or Trust has been submitted. Your Master was unable to contact the decedent’s descendant.

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 **CHRISTOPHER L. GRAMBERG-CAMACHO**.

(Q) FRANCIS HUTCHISON WRIGHT

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Helen B. Y. Ng, also known as Helen Wright. There was no will or trust submitted. Your Master was unable to contact the surviving 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 **HELEN WRIGHT.**

(R) ELLEN ALBERTINA CLEVELAND LIU BAUTISTA

Your Master reviewed the facts contained in Petition #16 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 attempted to contact a family member but was unsuccessful.

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:

BERNARD CLEVELAND – ONE-THIRD (1/3)
MELVYN LIU, JR. – ONE-THIRD (1/3)
PATRICIA MARTIN – ONE-THIRD (1/3)

(S) **BENJAMIN N.K. LEE**

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's obituary states that he was survived by spouse Emmaline Lee.

Your Master reviewed the Last Will and Testament of Benjamin Nalaelua Kahalepuna Lee, dated October 27, 1986, 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 "J" to Petition # 16.

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

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

(T) **GLADYS HOAPILI LYMAN**

Your Master reviewed the facts contained in Petition #16 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 and a Petition for Adjudication of Intestacy and Appointment of Personal Representative, filed in 1CLP-23-0000828, was denied without prejudice. Your Master spoke to the decedent's daughter-in-law, Michelle Lyman. She confirmed that the decedent did not have a Will or Trust and that there were originally 13 descendants of the decedent and her spouse. She also confirmed that five of the children predeceased the decedent and one died after 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:

HERBERT C. LYMAN – ONE-TENTH (1/10)
MARY-LOUISE HEALANI KAPUWAI – ONE-TENTH (1/10)
GLADYS LOUISE KEHAULANI KAPUWAI – ONE-TENTH (1/10)
KENNETH JOSEPH KANANI LYMAN – ONE-TENTH (1/10)
ROBERT BENJAMIN KALANI LYMAN – ONE-TENTH (1/10)
LISA CATHLEEN POMAIIKAI PERREIRA – ONE-TENTH (1/10)
JAMES ANTHONY KUAHULIAMAHI LYMAN – ONE-TENTH (1/10)
DORLENE KALEINANI MANU – ONE-TWENTIETH (1/20)
RONNETT KUUIPO SIILATA - ONE-TWENTIETH (1/20)
WAYNE ACHONG – ONE-TENTH (1/10)
ANOLANI KAILIO – ONE-TWENTIETH (1/20)
KALEN JACOB KUALII QUIRIN LYMAN – ONE-TWENTIETH (1/20)

(U) DOLORES SERRAO RAMOS

Your Master reviewed the facts contained in Petition #16 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 Dolores S. Ramos dated August 11, 2010, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Revocable Trust of Dolores S. Ramos, dated June 3, 1987.

The Trust amendment indicates that Pamela J. Ramos is the next-acting Trustee. Copies of the Will, the Trust, the First Amendment, the Second Amendment, the Third Amendment and the Fourth Amendment are attached as Exhibit "L" to Petition #16.

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 **PAMELA J. RAMOS, Trustee of the Trust Agreement of Dolores S. Ramos dated June 3, 1987, as amended**, to be distributed in accordance with the terms of the Trust.

(V) ROBBIN B. MAKUA

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Rosella Uilani Yamashita, also known as Rosella U. Makua. There was no will or trust submitted. Your Master was unable to contact a family member.

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.

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:

ROSELLA U. MAKUA – FIRST \$150,000, PLUS ONE-HALF (1/2) OF BALANCE
ROSALANI M. MARTIN – ONE-FOURTH (1/4) OF BALANCE
LUKE K. MAKUA – ONE-FOURTH (1/4) OF BALANCE

(W) CHARLES MAHUNA JR.

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Delphina Ramos, also known as Delphina Ramos Mahuna who subsequently died.

Your Master reviewed the Last Will and Testament of Charles Mahuna, Jr., dated October 31, 2002, which has not been admitted to probate but directs the residue of the estate to be devised to his surviving spouse. The Will is attached as Exhibit "M" to Petition #16.

However, the Will also provides that if a person who dies within thirty (30) days after the date of the decedent's death, that person shall not be considered to have survived the decedent. Therefore, the settlement would pass to the decedent's descendants in equal shares. The decedent was survived by two children: Charlette Mahuna-Norfleet and Myron O. Mahuna. Myron Mahuna died after the decedent and left a Last Will and Testament dated April 27, 2018. The Will is a pour over will and directs the residuary estate to the Myron O. Mahuna Revocable Living Trust, dated April 8, 1999, as restated and amended.

The Trust indicates that Scott K. S. Collins is the next-acting Trustee. Copies of the Will and the Trust are attached as Exhibit "N" to Petition #16.

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:

**SCOTT S. COLLINS, Trustee of the Myron O. Mahuna Revocable Living Trust dated April 8, 1999, as amended – ONE-HALF (1/2)
CHARLETTE MAHUNA-NORFLEET – ONE-HALF (1/2)**

(X) LAWRENCE JAY DAN LAGAPA SR.

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Clarine M. Motta, also known as Clarine Lagapa. There was no will or trust submitted. Your Master spoke to the decedent's son, Lawrence Lagapa, Jr. He confirmed that his father did not have a Will or Trust and that the decedent and his surviving spouse are the parents of him and his two siblings.

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 **CLARINE M. LAGAPA.**

(Y) DANETTE K. PERREIRA

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Melvin J. Perreira. There was no will or trust submitted. Your Master spoke to the decedent's daughter, Michele Hooper. She confirmed that her mother did not have a Will or Trust and that she and her two siblings are the only descendants of the decedent and her surviving 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 **MELVIN T. PERREIRA.**

(Z) ROSITA THERESA TSEU

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master spoke to the decedent's daughter, Valerie Sonoda. She confirmed that her mother did not have a Will or a Trust. She also noted that the

Petition states that her predeceased sister, Jaymie Miller was survived by a spouse, Sheldon Miller, and two children. However, Sheldon and Jaymie Miller had a third child, Sheldon Karl Kalanipokeo Miller. A copy of his birth certificate is filed under seal. The address reflected in the Petition for Sheldon Miller (Spouse) is actually the address for Sheldon Miller (Child of decedent). Ms. Sonoda also explained that she and her siblings thought James Y. Tseu had a child, but after doing extensive research, she was unable to confirm this.

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. In the version of the Uniform Probate Code at the time of the decedent's death, HRS 560:2-103(1), provided that the decedent's descendants are to take "by representation". Therefore, the descendants of the predeceased children at the same level, take 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:

VALERIE K.T. SONODA – ONE-FIFTH (1/5)
SHERIL A.K. PAISHON – ONE-FIFTH (1/5)
RICHELLE L. TSEU – ONE-FIFTH (1/5)
SHELDON MILLER, JR. – TWO-TWENTYFIFTHS (2/25)
CHELLE ANN KELELEKOLIO – TWO-TWENTYFIFTHS (2/25)
JAMES MILLER – TWO-TWENTYFIFTHS (2/25)
MARK TSEU – TWO-TWENTYFIFTHS (2/25)
JESSICA SMITH – TWO-TWENTYFIFTHS (2/25)

(AA) PATRICK KAUI KALAMA JR.

Your Master reviewed the facts contained in Petition #16 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(f), under the laws of intestacy, if a decedent is not survived by a descendant or parent but is survived by one or more descendants of a deceased parent, the intestate estate shall pass by representation to the surviving descendants of the decedent's deceased parents.

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:

BRUCE K. KALAMA – ONE-HALF (1/2)
LEINAALA KALAMA-DUTRO – ONE-HALF (1/2)

(BB) JOSEPH KALEIALOHA MALIA

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Trinidad Bahasa, also known as Trinidad Malia. There was no will or trust submitted. Your Master attempted to contact a family member but was unsuccessful.

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 **TRINIDAD B. MALIA.**

(CC) SILVA KAIPO KAUPU SR.

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Vivian Grace, also known as Vivian Kaupu, who subsequently died. No Will or Trust has been submitted. Your Master attempted to contact a family member but was unsuccessful.

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 his spouse shared three children who survived them both.

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:

BERNARD KAUPU – ONE-THIRD (1/3)
SILVA K. KAUPU JR. – ONE-THIRD (1/3)
SYLVIA TAYAMEN – ONE-THIRD (1/3)

(DD) WILLIAMAE HINANO ALAMA

Your Master reviewed the facts contained in Petition #16 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widowed. Note that the death certificate lists the decedent’s first name as Williamae, rather than Willamae. No Will or Trust has been submitted. Your Master attempted to contact a family member but was unsuccessful.

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:

RUSTY ALAMA – ONE THIRD (1/3)
RODNEY ALAMA JR. – ONE THIRD (1/3)
REED ALAMA – ONE THIRD (1/3)

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 #16;

B. That the Court grant the Petition for Instructions #16, filed December 3, 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. That the Court grant such other and further relief as this Court may deem just and equitable.

DATED: Honolulu, Hawai'i, on December 23, 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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/s/ Emily H. Kawashima
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