

EMILY H. KAWASHIMA, 6498-0
AAL, LLLC

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

Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
16-MAY-2024
01:31 PM
Dkt. 234 RMSTR

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 #6, FILED ON
MARCH 18, 2024; EXHIBIT "1";
CERTIFICATE OF SERVICE**

Hearing:

Date: June 21, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #6**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate Special Master to examine the Petition for Instructions #6, filed March 18, 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 #6, filed March 18, 2024, with Exhibits;
- Notice of Hearing published in the Star-Advertiser on April 2, 2024, April 9, 2024, and April 16, 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 #6 in the Honolulu Star-Advertiser on April 2, 2024, April 9, 2024, and April 16, 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) HELEN H. DAVIS

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master also reviewed the Letters of Administration, filed on December 28, 2023, in P. No. 2CLP-23-0000289 in the Second Circuit, State of Hawai'i. Exhibit "A" of Petition #6.

As stated by the Petitioner, Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the open probate proceeding. As this is an intestacy proceeding, your Master agrees that the distribution should be made in accordance with the intestacy statutes as has been determined by Court in this 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:

ROBERT L. DAVIS – 1/3

ANDREW K. DAVIS – 1/3

CECILIA H. GALLARDE – 1/3

(B) CLARA KUULEIALOHA HOAPILI

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Pursuant to HRS §560:2-103, under the laws of intestacy, if there is no surviving spouse, the intestate share goes to the decedent's descendants by representation.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees." Your Master has also reviewed Exhibit "B" to Petition #6 and agrees with Petitioner.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the deceased class member's children: **JOANNE L. KIM, JONAH K. HOAPILI, JR., ROBIN L. TUPA, TODD A. HOAPILI, CANDYCE N. GARRETT-TUPA, MELODY K. SALE, TRACEY H. FRAGOSO, MATTHEW S. HOAPILI, JEFFREY S. HOAPILI, and ERIC GMC HOAPILI.**

(C) **GILBERT KAHELE**

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Linda L. Haggbert, also known as Linda Lee Kahele. Your Master also reviewed the Letters of Administration, filed on August 8, 2023, in P. No. 3CLP-23-0000269 in the Third Circuit, State of Hawai'i. Exhibit "C" of Petition #6.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the open probate proceeding. As this is an intestacy proceeding, your Master agrees that the distribution should be made in accordance with the intestacy statutes as determined by the Personal Representative of the Estate.

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 **LINDA LEE KAHELE**, as Personal Representative of the Estate of **GILBERT KAHELE**.

(D) **HALL EPHRAIM KAIWA**

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widower.

Your Master located an Amended Trust Registration executed on or about August 20, 1997. It lists the decedent and his spouse as agents and their four children as beneficiaries. See Exhibit "1."

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 disbursed in equal shares to his children: **MINDY KAIWA, KELLY KAIWA, TRACY W. KAIWA-AALONA, and CASEY KAIWA.**

(E) GEORGE K. KIPAPA, JR.

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Priscilla Roberts, also known as Priscilla H. Kipapa. No Will or Trust has been 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 disbursed in its entirety to the surviving spouse, **PRISCILLA H. KIPAPA.**

(F) JAMES CARLISLE HEGERFELDT

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Greta K. Doak, also known as Greta Hegerfeldt. There was no will or trust submitted.

Pursuant to HRS §560:2-102, 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, **GRETA K. HEGERFELDT**.

(G) TAMMY KUUIPO-NOHEA KE

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Never Married. Your Master also reviewed the Letters of Administration, filed on September 14, 2023, in P. No. 3CLP-23-0000316 in the Third Circuit, State of Hawai'i. Exhibit "D" of Petition #6.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the open probate proceeding. As this is an intestacy proceeding, your Master agrees that the distribution should be made in accordance with the intestacy statutes as has been determined by the Court in that 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 **HOPE KE-LEIBNER, JOHN KUUALOHAKANE KE, and SKY KE**.

(H) RITA THERESA NOHOPAO MAHAULU

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master also reviewed the Letters of Administration, filed on September 20, 2023, in P. No. 1CLP-23-0000753 in the First Circuit, State of Hawai'i. Exhibit "E" of Petition #6.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the open probate proceeding. As this is an intestacy proceeding, your Master agrees that the distribution should be made in accordance with the intestacy statutes as has been determined by the Court in that 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 **MARIAN KEKULAMANU GAEA, DEREK KEALII MAHULU, CLAYTON PINALUA MAHAULU and BERTRAM KAKULU MAHAULU.**

(I) WALTER ALEONG MOKULEHUA JR.

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Kaala Jantien Akana, also known as Kaala J. Mokulehua. Your Master also reviewed the Letters of Administration, filed on August 28, 2023, in P. No. 1CLP-23-0000719 in the First Circuit, State of Hawai'i. Exhibit "F" of Petition #6.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the open probate proceeding. As this is an intestacy proceeding, your Master agrees that the distribution should be made in accordance with the intestacy statutes as has been determined by the Court in that 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 **KAALA J. MOKULEHUA.**

(J) CLIFFORD PRAIS

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Ellen Ruth Seigel, also known as ELLEN R. PRAIS. Your Master also reviewed the Letters Testamentary, filed on July 19, 2023, in P. No. 2CLP-23-0000159 in the Second Circuit, State of Hawai'i. Exhibit "G" of Petition #6.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the open probate proceeding. As there was a Last Will and Testament admitted to informal probate, your Master agrees that the distribution should be made in accordance with the Last Will and Testament by the Personal Representative of the Estate.

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 **ELLEN R. PRAIS, as Personal Representative of the Estate of CLIFFORD PRAIS.**

(K) FRANCIS AWAA HUI

Your Master reviewed the facts contained in Petition #6 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 decedent's Last Will and Testament, dated May 1, 2003. Exhibit "H" of Petition #6. Your Master notes that an address change was submitted after the Petition was filed, and SANDRA E. AH SAM's address is now P.O. Box 61, Treynor, Iowa 51575.

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.” The Will does not indicate any devisees for the residuary, and Your Master agrees that it should be distributed in accordance with the laws of intestacy.

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 in equal shares to: **SANDRA E. AH SAM, DOROTHY L. HUI, and FRANCIS K. HUI.**

(L) SIDNEY KALEILEHUA SPENCER

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Karan Spencer. There was no will or trust submitted.

Pursuant to HRS §560:2-102, 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, **KARAN S. SPENCER.**

(M) ALBERT KAENAKAPUOKALANI WALTJEN

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow(er). Your Master also reviewed the Letters of Administration, filed on April 11, 2023, in P. No. 3CLP-23-0000103 in the Third Circuit, State of Hawai‘i. Exhibit “I” of Petition #6.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent’s settlement consistent with the open probate proceeding. As this is an intestacy proceeding, your Master agrees that the distribution should be made in accordance with the intestacy statutes as determined by the Personal Representative of the Estate.

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 **DANE K.**

**WALTJEN, as Personal Representative of the Estate of ALBERT
KAENAKAPUOKALANI WALTJEN.**

(N) KALEPAOKEKAIKUHALA HUDDY MOCK SING LUM

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Wilette Leilani Andrade, also known as Wilette Leilani Lum. No Will or Trust has been 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 disbursed in its entirety to the surviving spouse, **WILETTE LEILANI LUM.**

(O) LOVELL FRANKLIN KALEIKINI

Your Master reviewed the facts contained in Petition #6 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 April 5, 2023, in P. No. 1CLP-23-0000245 in the First Circuit, State of Hawai‘i. Exhibit “J” of Petition #6.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent’s settlement consistent with the open probate proceeding. As there was a Last Will and Testament admitted to informal probate, your Master agrees that the distribution should be made in accordance with the Last Will and Testament by the Personal Representative of the Estate.

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 **CRAIG C. K. KALEIKINI, as Personal Representative of the Estate of LOVELL FRANKLIN KALEIKINI.**

(P) JOHANNA ELIKOLANI CORREA

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Edward L. Correa, Jr. No Will or Trust has been 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 disbursed in its entirety to the surviving spouse, **EDWARD L. CORREA JR.**

(Q) BERNICIA KAOPIO

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Matthew K. Kaopio, Sr. There was no will or trust submitted.

Pursuant to HRS §560:2-102, 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, **MATTHEW K. KAOPIO, SR.**

(R) LEROY K. PUKAHI, JR.

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Agnes Kanahele, also known as Agnes Kanahele Pukahi. Your Master also reviewed the Letters of Administration, filed on March 6, 2023, in P. No. 1CLP-23-0000729 in the First Circuit, State of Hawai'i. Exhibit "K" of Petition #6.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the open probate proceeding. As this is an intestacy proceeding, your Master agrees that the distribution should be made in accordance with the intestacy statutes as determined by the Personal Representative of the Estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds be distributed to **AGNES K. PUKAHI as Personal Representative of the Estate of LEROY K. PUKAHI, JR.**

(S) **RANDOLPH MEDEIROS**

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced.

Pursuant to HRS §560:2-103, under the laws of intestacy, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation. Your Master spoke with family representative Tiare M. Kealoha on or about May 8, 2024. She confirmed that her father was unmarried and did not have a Will. She also confirmed the names of the surviving heirs at law and confirmed her deceased sister's issue.

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 disbursed as follows:

TIARE M. KEALOHA – 1/3

JUSTIN K. MEDEIROS – 1/3

**SAVANNAH MEDEIROS – 1/6
(Issue of Kristie K. Medeiros)**

**DOMINICK HOWARD – 1/6
(Issue of Kristie K. Medeiros)**

(T) **MARSHALL ALLEN MEYER SR.**

Your Master reviewed the facts contained in Petition #6 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Susan Kaohu, also known as Susan Kaohu Meyer. No Will or Trust has been 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 disbursed in its entirety to the surviving spouse, **SUSAN KAOHU MEYER.**

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 #6;
- B. That the Court grant the Petition for Instructions #6, filed March 18, 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 May 16, 2024.

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

Yellow Barn Trust Company

F.Id. No. 52-6448518

AMENDED TRUST REGISTRATION

IN THE COUNTY OF BUFFALO, STATE OF NEBRASKA

NAME & ADDRESS OF AGENTS:

Hall Ephraim Kaiwa
54-243 Honomu St.
Hauula, Hawaii 96717

Juanita Frances Leilani Kaiwa
54-243 Honomu St.
Hauula Hawaii 96717

NAMES & ADDRESS OF BENEFICIARIE(S):

Mindy Pualani Kaiwa
54-243 Honomu St.
Hauula, Hawaii 96717

Casey Pualani Kaiwa
54-243 Honomu St.
Hauula, Hawaii 96717

Kelly Keahi Kaiwa
P.O. Box 576
Kailu Kona, Hawaii 96745

Tracey Wainani Aalona
5502 Bristonwood Dr. W.
Tacoma, Washington 98467

THE RECORDS OF THE TRUST ARE KEPT AT:

P.O. Box 2192
Kearney, Nebraska 68848

and at: 54-243 Honomu St.
Hauula, Hawaii 96717

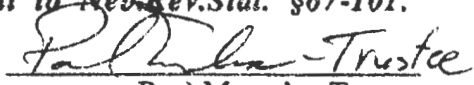
This trust is an inter vivos, irrevocable trust created by Steven D. Scott, as Trustor, with aforesaid as beneficiaries and as agents. Its terms and time of performance as the Trustor, or any other party, conveys and assigns to the Trustee(s) his/her separate property and the parties to the trust agree that the property transferred, together with any other property which the Trustor may hereafter add or cause to be made payable to the trust, and the investments and reinvestments thereof shall be managed and controlled and disposed of for the uses and purposes and upon the terms and conditions as provided in the trust agreement and the trust, providing of course that the terms and length of the trust will not violate the rule against perpetuities.

TRUST PROPERTY INCLUDES THE FOLLOWING, BUT IS NOT LIMITED TO SUCH:

(Listed on separate documents)

THE UNDERSIGNED HEREBY ACKNOWLEDGES THE EXISTENCE OF THE FOREGOING DESCRIBED TRUST.

This Trust is hereby registered with the State of Nebraska pursuant to Neb.Rev.Stat. §67-101.


Paul Maruska, Trustee
P.O. Box 2192
Kearney, Nebraska 68848-2192

The persons listed below did witness the voluntary signing of this document by the above named individual:

Witness (signature) Tom T Moore

Date 8-20-97

(Printed Name) Tom T Moore

Witness (signature) Michael Koford

Date 8-20-97

(Printed Name) Michael Koford

EXHIBIT "1"

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 person(s) immediately after filing.

ROBERT L. DAVIS
P.O. Box 2752
Wailuku, Hawaii 96793

ANDREW K. DAVIS
c/o William E. Paupe, Jr., Esq.
46-001 Kamehameha Highway #215
Kaneohe, Hawaii 96744

CECILIA H. GALLARDE
16 Kaulana Na Pua Place
Wailuku, Hawaii 96793

JOANNE L. KIM
89-854 Haleakala Avenue
Waianae, Hawaii 96792

JONAH K. HOAPILI, JR.
9321 N. Lake Drive SW
Lakewood, Washington 98498

ROBIN L. TUPA
89-198B Mano Avenue
Waianae, Hawaii 96792

TODD A. HOAPILI
89-868 Lahikiola Place
Waianae, Hawaii 96792

CANDYCE N. GARRETT-TUPA
Address TBD

MELODY K. SALE
89-1153 Pikaiolena Street
Waianae, Hawaii 96792

TRACEY H. FRAGOSO
6532 Duck Hill Springs Drive
Las Vegas, Nevada 89122

MATTHEW S. HOAPILI
3242 Hayden Street
Honolulu, Hawaii 96815

JEFFREY S. HOAPILI
397 Silverado Pines
Las Vegas, Nevada 89123

ERIC GMC HOAPILI
752 Homewillow Avenue
Las Vegas, Nevada 89123

LINDA LEE KAHELE
c/o John G. Roth, Esq.
P.O. Box 1743
Kamuela, Hawaii 96743

GILBERT G. KAHELE
P.O. Box 10174
Hilo, Hawaii 10174

KAIALII KAHELE
1414 Keneki Street
Hilo, Hawaii 96720

NOELANI KAHELE
1414 Keneki Street
Hilo, Hawaii 96720

MINDY KAIWA
54-243 Honomu Street
Hauula, Hawaii 96717

KELLY KAIWA
26866 172nd Place SE
Covington, Washington 98042

TRACY W. KAIWA-AALONA
54-238B Honomu Street
Hauula, Hawaii 96717

CASEY KAIWA
54-238B Honomu Street
Hauula, Hawaii 96717

PRISCILLA H. KIPAPA
P.O. Box 271
Kaneohe, Hawaii 96744

SELISA H. COCKETT
P.O. Box 271
Kaneohe, Hawaii 96744

GEORGE K. KIPAPA
P.O. Box 231
Waimanalo, Hawaii 96795

GRETA K. HEGERFELDT
3624 Likini Street
Honolulu, Hawaii 96818

JAMSIE K. HERBERT
7362 W. Parks Highway
Wasilla, Alaska 99623

BARBARA K. HEGERFELDT
91-1058 Kekuilani Loop A106
Kapolei, Hawaii 96707

LESLEY M. DELA CRUZ
91-1058 Kekuilani Loop A106
Kapolei, Hawaii 96707

DARYL M. HOKOANA
3624 Likini Street
Honolulu, Hawaii 96818

SHARON DODSON
5840 Duneville Street
Las Vegas, Nevada 89118

MARLENE CONN
8035 N 11th Street
Phoenix, Arizona 85020

NOAH HEGERFELDT
15-1806 32nd Avenue
Keaau, Hawaii 96749

RYAN HEGERFELDT
P.O. Box 383908
Waikoloa, Hawaii 96738

JOHN KUUALOHAKANE KE
1914 S.E. 2nd Place
Battle Ground, Washington 98604

MARIAN KEKULAMANU GAEA
c/o William E. Paupe, Jr.
46-001 Kamehameha Highway #215
Kaneohe, Hawaii 96744

CLAYTON PINIALUA MAHAULU
c/o William E. Paupe, Jr.
46-001 Kamehameha Highway #215
Kaneohe, Hawaii 96744

KAALA J. MOKULEHUA
c/o Ng & Niebling, LLLC
3604 Waialae Avenue
Honolulu, Hawaii 96816

KRISTI K. MOKULEHUA
41-615 Mekia Street
Waimanalo, Hawaii 96795

ELLEN R. PRAIS
731 S. Kei Place
Kahului, Hawaii 96732

KARAN S. SPENCER
805 Monterey Street
Redlands, California 92373

JAST HEGERFELDT
15-717 Puni Mauka Loop N.
Pahoa, Hawaii 96778

AMANDA HEGERFELDT
95-216 Hulumoa Place
Mililani, Hawaii 96789

HOPE KE-LEIBNER
c/o Kimberly Koide Iwao, Esq.
P.O. Box 240269
Honolulu, Hawaii 96824

SKY KE
436 S.E. 197th Avenue #6
Portland, Oregon 97233

DEREK KEALII MAHAULU
c/o William E. Paupe, Jr.
46-001 Kamehameha Highway #215
Kaneohe, Hawaii 96744

BERTRAM KAKULU MAHAULU
c/o William E. Paupe, Jr.
46-001 Kamehameha Highway #215
Kaneohe, Hawaii 96744

KEVIN K. MOKULEHUA
7251 Pulehu Street
Honolulu, Hawaii 96825

JONAH P. MOKULEHUA
41-615 Mekia Street
Waimanalo, Hawaii 96796

LEAH L.K. QUINIOLA
731 S. Kei Place
Kahului, Hawaii 96732

KAHIWA S. SPENCER
805 Monterey Street
Redlands, California 92373

DANE K. WALTJEN
c/o Thomas R. Daniel, Esq.

KALEO S. SPENCER
944 Lapis Court
Corona, California 92883

737 Bishop Street, Suite 1450
Honolulu, Hawaii 96813

SHANNON P. WALTJEN
808 Drew Court
Cheyenne, Wyoming 82007

DEAN K. WALTJEN
351 Maddies Way
Cheyenne, Wyoming 82007

IRENE K. HOFFMAN
18110 137th Street Ct E
Bonneylake, Washington 98391

WILETTE LEILANI LUM
91-1007 Huluhulu Street
Ewa Beach, Hawaii 96706

DYLAN L. LUM
91-1007 Huluhulu Street
Ewa Beach, Hawaii 96706

SERENA L. LUM
91-1007 Huluhulu Street
Ewa Beach, Hawaii 96706

TYRA H. LUM
91-1007 Huluhulu Street
Ewa beach, Hawaii 96706

CRAIG C.K. KALEIKINI
c/o Richard J. Sakoda, Esq.
201 Merchant Street, Suite 950
Honolulu, Hawaii 96813

LOVELL F.N. KALEIKINI
95-219 Hooni Place
Mililani, Hawaii 96789

**SHANNON L.K. FUKUDA-
KALEIKINI**
91-1280 Kaneoneo Street
Kapolei, Hawaii 96707

EDWARD L. CORREA JR.
643 Papahehi Place
Honolulu, Hawaii 96821

EDWARD L. CORREA III
653 Kaekeke Way
Honolulu, Hawaii 96821

JOHN-RICHARD M. CORREA
653 Kaekeke Way
Honolulu, Hawaii 96821

MARY-LINDSEY K. CORREA
643 Papahehi Place
Honolulu, Hawaii 96821

ANGELA-JO L. CORREA-PEI
643 Papahehi Place
Honolulu, Hawaii 96821

MICHAEL-FRANCIS L. CORREA
643 Papahehi Place
Honolulu, Hawaii 96821

MATTHEW K. KAOPIO, SR.
91-568 Puhilaka Place
Ewa, Hawaii 96706

IRENE LEILANI K. BRIGHT
4676 Mailihuna Road
Kapaa, Hawaii 96746

BREDE N. KAOPIO
91-568 Puhilaka Place
Ewa, Hawaii 96706

KIMBALL K. KAOPIO
91-568 Puhilaka Place
Ewa, Hawaii 96706

BERNICIA P. COOPER
91-568 Puhilaka Place
Ewa, Hawaii 96706

AGNES K. PUKAHI
c/o Sheryll D. Bonilla, Esq.
1562 Pensacola Street
Honolulu, Hawaii 96822

EPHRAIM M. YEEPOONG
770 South Sherman Avenue, Apt. B
Corona, California 96882

TIARE M. KEALOHA
47-456 Alawiki Street
Kaneohe, Hawaii 96744

JUSTIN K. MEDEIROS
47-456 Alawiki Street
Kaneohe, Hawaii 96744

SAVANNAH MEDEIROS
4890 Kapolei Parkway, Apt. J205
Kapolei, Hawaii 96707

DOMINICK HOWARD
4890 Kapolei Parkway, Apt. J205
Kapolei, Hawaii 96707

SUSAN KAOHU MEYER
87-122 Nanaikeola Street B204
Waianae, Hawaii 96792

SHAYNE M. KAHALENAHI
89-327 Haeakala Avenue
Waianae, Hawaii 96792

SHELLY U. KU
89-156 Nanaikala Place
Waianae, Hawaii 96792

MARSHALL A. MEYER JR.
89-201 Lepeka Avenue, Apt. D108
Waianae, Hawaii 96792

ALLEN-LEE K. MEYER
89-349 Pua Avenue
Waianae, Hawaii 96792

MIKE A. MEYER
89-839 Nanakuli
Waianae, Hawaii 96792

KALEO A. MEYER
87-126 Helelua Street #D106
Waianae, Hawaii 96792

SANDRA E. AH SAM
P.O. Box 61
Treyvor, Iowa 51575

DOROTHY L. HUI
6150 Meleod Lane NE
Keizer, Oregon 97303

FRANCIS K. HUI
5525 4th Street, Apt. 91
Lubbock, Texas 79416

DATED: Honolulu, Hawaii, May 16, 2024.

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