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ATTORNEYS FOR STATE DEFENDANTS

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI'I

LEONA KALIMA, DIANE BONER,
RAYNETTE NALANI AH CHONG,
special administrator of the estate of JOSEPH
CHING, deceased, CAROLINE BRIGHT,
DONNA KUEHU, and JAMES
AKIONA, et al.,

Plaintiffs,

vs.

STATE OF HAWAI'I, STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME
LANDS; et al.,

Defendants.

CIVIL NO. 99-4771-12 LWC
(Class Action)

**SECOND STIPULATION TO AMEND
TIMETABLE OF EVENTS CONTAINED
IN EXHIBIT 4 TO JUNE 9, 2022, ORDER
GRANTING PLAINTIFFS' MOTION
FOR: (1) PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT [DKT.
1496] AND ORDER; EXHIBITS 1 & 2**
POST-TRIAL PROCEEDINGS JUDGE:
HON. LISA W. CATALDO

SETTLEMENT JUDGE: HON. GARY W.B.
CHANG

SECOND STIPULATION TO AMEND TIMETABLE OF EVENTS CONTAINED IN EXHIBIT 4 TO JUNE 9, 2022, ORDER GRANTING PLAINTIFFS' MOTION FOR: (1) PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT [DKT. 1496] AND ORDER

Pursuant to Cir. Ct. R. 19, Plaintiffs, through their Counsel, Carl M. Varady and Thomas R. Grande, and Defendants, through their Counsel, Attorney General Holly T. Shikada, Deputy Attorney General Craig Y. Iha, and Special Deputy Attorneys General Linda Lee K. Farm and Donna H. Kalama, hereby stipulate:

WHEREAS, the parties have entered into a settlement intended to achieve a full and final resolution on a class-wide basis of all claims that have been asserted and could have been asserted in this matter (the "Settlement") and have executed a Settlement Agreement to effectuate those terms (the "Agreement");

WHEREAS, on June 9, 2022, the Court entered its Order Granting Plaintiffs' Motion for: (1) Preliminary Approval of Class Action Settlement; (2) Certification of Settlement Class; (3) Decertification of Subclasses 1-4 and 6; (4) Appointment of Class Representatives and Appointment of Class Counsel; (5) Appointment of Settlement Special Master; (6) Appointment of Claims Administrator; (7) Approval of Plan of Notice and Scheduling of Fairness Hearing (the "Preliminary Approval Order")[Dkt. 1496];

WHEREAS, the Preliminary Approval Order includes a proposed Settlement Claims Administration Plan with a timetable for notice, communication and outreach services (Exhibit 1 at 4-5)(the "Proposed Timetable");

WHEREAS, the parties have consulted with the Court on August 2, 2022, in a status conference regarding the need to obtain accurate data regarding class members' lease award dates, and the Defendants have agreed to provide Plaintiffs with additional and the most accurate

data available for class members' lease award dates to facilitate analysis of settlement distribution among class members;

WHEREAS, on August 17, 2022, Defendants provided Plaintiffs with additional data available for 835 class members' lease award dates;

WHEREAS, on August 25, 2022, the parties again conferred, and Defendants have agreed to provide Plaintiffs with further additional review for class members' lease award dates, including a review and revision of the 1,916 lease dates previously provided on July 7, 2022, as well as a further review and revision the data available for 835 class members' lease award dates produced on August 17, 2022;

WHEREAS, Defendants completed their own review of the review of 835 claimant lease dates on September 2, 2022, but Defendants' further review of the original 1,916 lease dates is not yet complete;

WHEREAS, on September 15, 2022, Defendants produced an additional 447 Hawaiian Claims Office files that were not produced on February 28, 2022, deadline ordered by the Court due to a downloading error;

WHEREAS, the Proposed Timetable identified September 1, 2022, for confirmation of settlement payment beginning and end dates, with end dates determined by lease award dates, if any, or death of the class member;

WHEREAS, the Proposed Timetable identified October 1, 2022, as the date for submission of the distribution plan for the Court's approval based on method(s) and calculations made using the lease award data for the various types of claims;

WHEREAS, the parties are working to obtain and use the most accurate lease award date data for purposes of analyzing and proposing a fair and reasonable distribution plan to the Court

and the class members, and seek to do so incorporating the most accurate lease award data provided by Defendants from their own review of DHHL's records, cross-checking that data with the data Plaintiffs have previously identified in discovery. In this regard, Defendants have dedicated staff from the Department of Hawaiian Home Lands and defense counsel to work with Class Counsel in resolving data issues, and will be available to work with Class Counsel and the Special Master on any ongoing issues;

WHEREAS, data was not available, but the parties are working cooperatively and in good faith to identify, provide, and address any missing records or data, and continue to employ their respective resources to implement the settlement;

WHEREAS, the parties agree that additional time is necessary to analyze that lease award data, incorporate it into the Claims Administrator's claims database, model various scenarios for claims distribution, and proposed a fair and reasonable plan of distribution to the Court after full review, while continuing to plan for a hearing on final approval April 14, 2023; and,

WHEREAS, the instant stipulation was submitted to the Special Master for review, comment, and recommendation for approval prior to its submission to the Court, as evidenced by his signature below;

NOW THEREFORE, the parties agree that the Proposed Timetable will be modified as follows as set forth in Exhibit 2 hereto:

[SIGNATURES ON FOLLOWING PAGE]

DATED: Honolulu, Hawai'i, October 7, 2022.

/s/ Craig Y. Iha
HOLLY T. SHIKADA
Attorney General CRAIG Y. IHA
Deputy Attorney General and
LINDA LEE K. FARM DONNA H.
KALAMA
Special Deputy Attorneys General
ATTORNEYS FOR DEFENDANTS

/s/ Carl M. Varady
CARL M. VARADY
THOMAS R. GRANDE
CLASS COUNSEL

REVIEWED AND RECOMMENDED:

/s/ Michael F. Broderick
SPECIAL MASTER

APPROVED AND SO ORDERED:

/s/ Lisa W. Cataldo



JUDGE OF THE ABOVE-ENTITLED COURT

***Kalima et al., v. State of Hawai'i et al.*, Civil No. 99-4771-12 LWC, SECOND STIPULATION TO AMEND TIMETABLE OF EVENTS CONTAINED IN EXHIBIT 4 TO JUNE 9, 2022, ORDER GRANTING PLAINTIFFS' MOTION FOR: (1) PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT [DKT. 1496] AND ORDER; EXHIBITS 1 & 2**

SETTLEMENT CLAIMS ADMINISTRATION PLAN

This Settlement Claims Administration Plan describes, generally, the work to be conducted by the Claims Administrator and proposed timeline for that work. The Plan has two parts: (1) General Duties and (2) Timetable: Notice, Communication and Outreach Services

PART I: GENERAL DUTIES

I. COMMUNICATION WITH CLASS MEMBERS - ONGOING

1. Maintain and update the website, <https://www.kalima-lawsuit.com> ~~www.Kalima-Lawsuit.com~~, provided by class counsel.
2. Coordinate responses to class member contacts:
 - a. Establish an email contact information system on ~~www.Kalima-Lawsuit.com~~ <https://www.kalima-lawsuit.com> for submission of updated contact information and successor information for heirs and successors of deceased class members.
 - b. Establish an automated toll-free number to distribute recorded messages and record updated contact information and successor information. Use a Hawai'i resident to record recorded messages.
 - c. Call Center Services
 - d. Subcontract Community Outreach Services
 - d. Establish a Hawai'i post office box with appropriate mail forwarding.

II. COMPILE SETTLEMENT CLASS LIST – ONGOING

Compile and maintain the class list, including:

- a. Organize, update, and maintain class list;
- b. Compile and periodically update class member addresses and contact information;
- c. Determine which class members are deceased and update the class list to reflect that fact;
- d. Identify successors to deceased class members through telephone/email contact, and update the class list accordingly; and,
- e. Determine which class members cannot be found, provide methods for contacting missing class members, and update the class list accordingly.

III. COMPILE INDIVIDUAL SUCCESSOR INFORMATION – ONGOING

1. Record individual successor, devisee, and heir information (children), including name, age, date of birth, address, email, telephone contact information, and relationship to class member; whether there is a will or trust; and name and contact information for executor, if any.
2. Research individual successor, devisee, and heir information through a search of newspaper obituaries and other sources, where such information is unavailable from Defendants.
3. Compile individual successor, devisee, and heir information into a specified format for use in probate court and other related proceedings.

IV. COMPILE AND MAINTAIN INDIVIDUAL CLAIMS DOCUMENTS - ONGOING

1. Compile and maintain the following electronic PDF files for each class member, in searchable electronic format (all documents provided will be in searchable PDF format), for access by counsel and the Court. This process has been completed for the most part and the State of Hawai'i has used a bar code system that can be used to organize and hyperlink documents. The files include:
 - a. Hawaiian Claims Office (HCO) claim forms;
 - b. HCO individual claims files, including investigative reports and HCO Panel Decisions;
 - c. DHHL beneficiary files; and
 - d. Other electronic records to be provided.
2. Establish a cloud-based system for access to electronic files and documents by counsel, class members, and the Court.

V. CREATE AND MAINTAIN INDIVIDUAL CLAIMS DATABASE – SEPTEMBER 1, 2022

Integrate and maintain a central data file for each class member, to be derived from existing claims documents, excel files, and databases to be provided by class counsel. The central data file will use unique numeric identifiers assigned by Class Counsel and/or social security numbers used by the State of Hawai'i cross-checked for accuracy.

VI. CONFIRMATION OF INDIVIDUAL START AND END DATES – NOT LATER THAN SEPTEMBER 1, 2022

Confirm and correct individual payment start and end dates, identified by class counsel by a search of Investigative Reports and Panel Decisions in PDF searchable format.

VII. COMPUTATION OF SETTLEMENT PAYMENTS – NOT LATER THAN JANUARY 15, 2022

Compute individual payments by applying Fair Market Rental Value formulas for each type of lease application, residential, agricultural, and pastoral, to compute total payment

VIII. NOTICE OF SETTLEMENT PAYMENT – NOT LATER THAN FEBRUARY 15, 2023

1. Mail and/or email individual notices of settlement payments showing (a) the basis of the payment (application and award date, if any), (b) the amount of the payment, (c) the date and time of the Final Approval hearing, and (d) objection procedures. The estimated number of mailings to living class members is 1500. There are 967 known deceased class members. Mail or other means of communication must occur with their known successors, devisees, or heirs.
2. Mail and/or email individual notices to deceased class members' heirs, devisees, representatives or administrators explaining (a) the basis of the settlement payment (application and award date, if any), (b) the amount of the payment, (c) the date and time of the Final Approval hearing, and (d) objection procedures. The estimated number of mailings to class members' heirs, -devisees, ~~representatives~~representatives, and administrators is 7500.
3. Publish and provide Notice of Final Approval Hearing as follows:
 - a. Mailed Notice to All Class Members with notice of right to object;
 - b. Post the notice on ~~www.Kalima-Lawsuit.com~~https://www.kalima-lawsuit.com; and
 - c. Suggest and implement other claims notification procedures as required.

IX. OBJECTION DEADLINE – ~~FEBRUARY~~MARCH 15, 2023

X. FINAL APPROVAL HEARING – APRIL 14, 2023

XI. MISCELLANEOUS

1. Process and submit any opt-out notices – **December 15, 2022 Deadline.**

2. Prepare periodic and final reports to the Court.

PART II: TIMETABLE: NOTICE, COMMUNICATION AND OUTREACH SERVICES

April 27, 2022 – April 14, 2023

DATE	ACTIVITY
April 27, 2022 & Ongoing	<p>TELEPHONE UPDATE SYSTEM ESTABLISHED</p> <ol style="list-style-type: none"> 1) Recorded Message - Case Status <ol style="list-style-type: none"> a) Update Class Member addresses b) Identify Deceased Class Member Representative & obtain contact information 2) Call Back Confirmation/Follow-up by Telephone Representatives as Needed
June 6, 2022	<p>Motion for Preliminary Approval; Certification of Settlement Class; Decertification of Subclasses; Appointment of Class Counsel and Class Representatives; Appointment of Special Master and Claims Administrator; Approval of Plan of Notice and Claims Administration Plan</p>
July 1, 2022	<p>-Reassign www.Kalima-Lawsuit.com https://www.kalima-lawsuit.com to Claims Administrator:</p> <ol style="list-style-type: none"> 1. Redirect email notifications to Epiq Class Action & Claims Solutions, Inc.; [email notifications to identify class members; address update & identification of deceased representative and children; general questions] 2. Change telephone message & redirect telephone messages to Epiq Class Action & Claims Solutions, Inc.; [telephone notifications to identify class members; address update & identification of deceased representative and children; general questions]

	<p>3. Change text for Instructions to (a) living class members and (b) deceased class members (proposed revisions to be provided), and</p> <p>4) Post class list</p>
July 1, 2022	PUBLICATION NOTICE
July 1, 2022	<p>MAILED CLASS NOTICE #1</p> <p>Focus - update contact information; deceased representative; notice of claims excluded from settlement and right to opt out.</p>
July 11, 2022 – July 31, 2022	<p>COMMUNITY OUTREACH -- Sovereign Council of Hawaiian Homestead Associations.</p> <p>Live person at each homestead site – 1 day per week over 2-3 week period</p> <p>Focus – update contact information; deceased representative</p>
September 1, 2022	CONFIRMATION OF PAYMENT START APPLICATION DATES; CONFIRMATION OF LEASE AWARD END DATES
October 1, 2022	Submission to COURT of distribution plan for review and APPROVAL
November 1, 2022	<p>MAILED NOTICE #2</p> <p>FOCUS – DISTRIBUTION PLAN, PAYMENT START AND ENDAPPLICATION & AWARD DATES – 45 DAYS TO CORRECT, AND OPT OUT PROCESS</p>
December 1, 2022	DEADLINE TO CORRECT PAYMENT START AND END DATE
December 15, 2022	COURT APPROVAL OF PROBATE PLAN
December 15, 2022	DEADLINE TO OPT OUT
January 15, 202 3	COMPLETE COMPUTATION OF PAYMENT

February 15, 2023 2	MAILED CLASS NOTICE #3 - NOTICE OF <u>SETTLEMENT PAYMENT</u> AMOUNT-AWARD & ATTORNEYS FEES REQUEST; NOTICE OF FINAL APPROVAL HEARING; NOTICE OF RIGHT TO OBJECT
March 15, 2023	DEADLINE TO OBJECT
April 14, 2023	FINAL APPROVAL HEARING (FAIRNESS HEARING)
May 15, 2023	DISTRIBUTION OF SETTLEMENT PAYMENTS IF NO APPEALS ARE FILED AND SETTLEMENT HAS "FINAL APPROVAL"

CURRENT DATE	NEW DATE	ACTIVITY
October 1, 2022	November 1, 2022	Confirmation of application dates; confirmation of lease award dates
October 1, 2022	November 1, 2022	Submission to Court of distribution plan methods for review and approval
November 1, 2022	December 1, 2022	Mailed notice #2 to inform class members of application, award, and related dates for claims; 45 days to correct, and opt out process
December 15, 2022	January 15, 2023	Deadline to correct payment start and end date
December 15, 2022	January 15, 2023	Deadline to opt out
January 15, 2023	February 1, 2023	Complete computation of payment
NEW	February 15, 2023	Submit payment plan to court
February 15, 2023	March 1, 2023	Mailed class notice #3 to provide notice of award amounts; attorneys' fees request; notice of final approval hearing; notice of right to object
December 15, 2023	March 1, 2023	Submit probate plan to court
NEW	March 15, 2023	Motion for final approval filed
March 15, 2023	March 31, 2023	Deadline to object
NEW	April 3, 2023	Defendants' memorandum re final approval filed
NEW	April 7, 2023	Reply memorandum final approval
April 14, 2023	April 14, 2023	Final approval hearing (fairness hearing)
May 15, 2023		Distribution of settlement payments if no appeals are filed and settlement has "final approval"
NEW	July 1, 2023	Interim final report
NEW	December 31, 2023	Motion to confirm of heirs of deceased class members completed
NEW	April 14, 2024	Final report
NEW	April 14, 2024	Final probate report