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**Electronically Filed**  
**FIRST CIRCUIT**  
**1CTR-23-0000142**  
**09-AUG-2024**  
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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)

**SECOND SUPPLEMENT TO PROBATE  
SPECIAL MASTER'S REPORT RE:  
PETITION FOR INSTRUCTIONS #7,  
FILED ON APRIL 11, 2024;  
CERTIFICATE OF SERVICE**

Hearing:

Date: July 19, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**SECOND SUPPLEMENT TO PROBATE SPECIAL MASTER'S REPORT  
RE: PETITION FOR INSTRUCTIONS #7 FILED ON APRIL 11, 2024**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate  
Special Master to examine the Petition for Instructions #7, filed April 11, 2024 (the  
"Petition"), and respectfully submits this Second Supplement to Master's Report, filed June  
10, 2024.

**(L) KENNETH KANIHO, SR.**

At the hearing, the Court inquired whether KENNETH KANIHO, SR's post-deceased spouse, LORRAINE P. KANIHO, had a pour over Will, directing her probate estate to be transferred into the Lorraine P. Kaniho Trust, dated December 2, 1994. Your Master spoke with to Guy Kaniho and he has no knowledge of a Will.

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. In this instance, the decedent's settlement award would go to the estate of the surviving spouse.

Due to there being no pour over Will, the Court expressed its inclination to treat the surviving spouse as intestate.

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 amends her prior findings and recommendations and finds and recommends that this deceased class member's share of the Kalima settlement proceeds should be disbursed to:

GARY KANIHO – 1/5

GUY KANIHO – 1/5

SHARON PETERSON – 1/5

BLANCHE BATCHELDER – 1/5

BRANDI KANIHO  
1116 Whitman Ct. NE  
Renton, WA 98059  
(Heir of KENNETH KANIHO, JR.) – 1/10

KAAINA KANIHO  
73-4346 Malie Place  
Kailua-Kona, HI 96740  
(Heir of KENNETH KANIHO, JR.) – 1/10

**(M) LORRAINE POLI KANIHO**

At the hearing, the Court inquired whether **LORRAINE POLI KANIHO** had a pour over Will, directing her probate estate to be transferred into the Lorraine P. Kaniho Trust, dated December 2, 1994. Your Master spoke with Guy Kaniho and he has no knowledge of a Will.

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. In this instance, the decedent's settlement award would go to her descendants.

Due to there being no pour over Will, the Court expressed its inclination to treat the decedent as intestate.

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 amends her prior findings and recommendations and finds and recommends that this deceased class member's share of the Kalima settlement proceeds should be disbursed to:

GARY KANIHO – 1/5

GUY KANIHO – 1/5

SHARON PETERSON – 1/5

BLANCHE BATCHELDER – 1/5

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(Heir of KENNETH KANIHO, JR.) – 1/10

DATED: Honolulu, Hawaii, on August 9, 2024.

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

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER

OF

THE KALIMA CLASS ACTION  
SETTLEMENT TRUST DATED JUNE 23,  
2023.

T. No. 1CTR-23-0000142  
(Trust Proceeding)

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a file-marked copy of the foregoing document will be duly served by depositing the same in the United States Mail, postage prepaid, on the following identified interested persons.

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DATED: Honolulu, Hawaii, August 9, 2024.

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