
**NOTICE TO CLASS MEMBERS IN THE *KALIMA v. STATE OF HAWAI'I*
CLASS ACTION WHO DO NOT QUALIFY FOR A SETTLEMENT PAYMENT**

You have previously been provided with notice of the Settlement in *Kalima v. State of Hawai'i* and were informed that you did not qualify to receive a settlement payment in this case. This Notice contains important information about your rights as a “no payment” Class Member.

The purpose of this notice is to inform you of

- the date and time of the Final Approval Hearing,
- how you can support or object to the Settlement in this case,
- how to get your documents relating to this case, and
- the deadline to file your own lawsuit against the State of Hawai'i if you previously opted out or excluded yourself from the lawsuit or this Settlement.

When will the Final Approval Hearing be held?

The Court has scheduled the Final Approval Hearing (also called the Fairness Hearing) for **July 21, 2023, at 9:00 a.m.** A copy of the Motion for Final Approval and Motion for Attorneys' Fees are available at kalima-lawsuit.com/important-documents.

How do I support or object to the settlement?

1. To tell the Court you support the Settlement, please fill in the enclosed “Declaration in Support of Settlement” and return it to the Kalima Claims Administrator by mail, addressed to P.O. Box 135035, Honolulu, HI 96801, or email it to info@kalima-lawsuit.com. You may also download a copy of the Declaration in Support of Settlement on the website here: kalima-lawsuit.com/important-documents. Please mail or email the Declaration to the Claims Administrator by **July 14, 2023**.

2. You also may appear and ask to be heard in support of the Settlement at the **July 21, 2023, 9:00 a.m.** Final Approval Hearing. Please notify the Claims Administrator by **July 14, 2023**, by mail to P.O. Box 135035, Honolulu, HI 96801, or email to info@kalima-lawsuit.com if you wish to do so. Class Members will be heard in the order in which they sign up. Please focus your statements on whether you think the Settlement is fair, reasonable, and adequate.

3. If you wish to object to the Settlement, you must file your objection in writing, addressed to *Kalima v. State*, Civ. No. 99-4771-12 LWC, Clerk of the First Circuit Court, Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, HI 96813-5093. The objection must be **received** by the Court no later than **July 14, 2023**. At the same time, you must also send a copy of your objection to the attorneys for all Parties to the lawsuit, including Class Counsel and the attorneys representing the Defendant, at their addresses found below.

Court	Class Counsel	Defense Counsel
<i>Kalima v. State</i> , Civ. No. 99-4771-12 LWC Clerk of the First Circuit Court Ka'ahumanu Hale 777 Punchbowl Street Honolulu, HI 96813-5093	Carl M. Varady Pauahi Tower, Suite 1730 1003 Bishop Street Honolulu, HI 96813 Thomas R. Grande 41-859 Kalaniana'ole Highway, #271 Waimānalo, HI 96795	Anne E. Lopez Attorney General, State of Hawai'i 425 Queen Steet Honolulu, HI 96813

Any objection to the proposed Settlement must be filed in writing and must include

1. the objector's full name, address, email address, and current telephone number;
2. the case name and number of the litigation (*Kalima et al. v State of Hawai'i et al.*, Civil No. 99-4771-12 LWC);
3. all grounds for the objection, with factual and legal support for the stated objection, including any supporting materials, whether the objector intends to appear at the Final Approval Hearing, and the names and addresses of any witnesses the objector intends to call at the hearing;
4. the identification of any other objections the objector has filed, or has had filed on the objector's behalf, in any other class action cases in the last four years; and
5. the objector's signature.

If you file written objections, you may appear at the Final Approval Hearing, which is scheduled to be held on **July 21, 2023**, at 9:00 a.m. (or other date set by the Court), in person or through counsel to show cause as to why the proposed Settlement should not be approved as fair, reasonable, and adequate. Attendance at the hearing is not necessary. However, persons wishing to object to the final approval of the Settlement, the request for attorneys' fees and Claims Administration costs, and/or the request for an Incentive Award to the Class Representatives are required to file written objections that comply with the requirements described above and must be **received** by the Court on or before **July 14, 2023**.

If you hire an attorney in connection with making an objection, that attorney must also file with the Court a notice of appearance by the objection deadline of **July 14, 2023**. If you hire your own attorney, you will be solely responsible for payment of any fees and costs the attorney incurs on your behalf. If you opted out of (excluded yourself from) the Settlement, you cannot file an objection.

Do I need to attend the Final Approval Hearing?

You do *not* need to attend the Final Approval Hearing. Class Counsel will appear at the Final Approval Hearing to represent the Class Members. If you do want to attend the hearing in person, by Zoom, or telephone, please visit the settlement website at kalima-lawsuit.com or contact the Kalima Claims Administrator for more information by email at info@kalima-lawsuit.com or by telephone at 808-650-5551 or 833-639-1308.

How do I receive a copy of my documents?

The State of Hawai'i Department of Hawaiian Home Lands has your original documents. If you want copies of your original documents, please call the State of Hawai'i Department of Hawaiian Home Lands at 808-620-9500.

Plaintiffs' Counsel may have copies of some documents relating to your claim if they were provided by the State of Hawai'i. Those documents may include (1) your Department of Hawaiian Home Lands application and/or lease file and (2) documents from the Hawaiian Home Lands Trust Individual Claims Review Panel.

Documents provided by the State of Hawai'i to Plaintiffs' Counsel may not be complete and may not contain all of the documents in your file(s). To make sure you receive all of your original documents, please contact the State of Hawai'i Department of Hawaiian Home Lands at 808-620-9500.

All copies of documents in Plaintiffs' Counsel's possession will be returned to the State of Hawai'i at the conclusion of this case.

If you want copies of documents provided by the State of Hawai'i to Plaintiffs' Counsel, please notify the Claims Administrator in writing by **September 1, 2023**.

Your request will be forwarded to the State of Hawai'i Department of Hawaiian Home Lands, which will remove any confidential information relating to persons who are not Plaintiffs in this case. After the State's review and removal of any confidential information relating to persons who are not Plaintiffs in this case, your redacted documents will be sent to you by the Claims Administrator. That process may take many months. Please contact the Department of Hawaiian Home Lands if you need copies of your original documents right away and to make sure you have all of the documents from your file(s).

If you do not request copies of your documents by **September 1, 2023**, Plaintiffs' Counsel will return them to the State of Hawai'i. The State of Hawai'i Department of Hawaiian Home Lands has the original documents.

The Court's February 26, 2014, Amended Order Granting Plaintiffs' Motion for Release of Confidential Information filed on March 7, 2023, states the following:

Any material State Defendants produce in accordance with this Order to any person who withdraws, is dismissed, or opts out of this action shall be offered to the person by Plaintiffs' Counsel upon dismissal, withdrawal or opt-out, provided that, if the material is an applicant or lessee file produced by State Defendants, Plaintiffs' counsel shall return such material to the State Defendants for removal of confidential information concerning non-Plaintiffs prior to Plaintiffs' Counsel providing material to the person; if the person does not want the material, Plaintiffs' counsel, at Plaintiffs' Counsel's option return the material to the State Defendants and certify to State Defendants that it was offered, refused or has been destroyed.

A copy of the Confidential Information Order is available at kalima-lawsuit.com/important-documents.

I previously opted out (excluded myself) from the lawsuit or this Settlement. How do I file my own lawsuit against the State of Hawai'i?

If you have previously opted out (excluded yourself) from the lawsuit or this Settlement and you intend to file a separate lawsuit, limitations periods may bar your claim if it is not timely filed. Any separate lawsuit should be filed before July 21, 2023, to ensure it falls within the potential statutory limitations period. Please consult with a lawyer about filing your claim.

Please do not call the Judge, the Clerk of the Court, or the State of Hawai'i about this notice. They will not be able to give you advice about this case. If you have questions, please contact the Claims Administrator at 808-650-5551 or 833-639-1308 or via email at info@kalima-lawsuit.com.