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**FIRST CIRCUIT**  
**1CTR-23-0000142**  
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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)

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

Hearing:

Date: July 19, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**THIRD 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 Third Supplement to Master's Report, filed June 10,  
2024.

**(O) HAROLD EDWIN BERTELMANN**

At the hearing, Kevin Bertelmann, Chris Bertelmann and Barron Bertelmann appeared and spoke to the Court regarding the settlement distribution. There was some disagreement regarding the recommendation that the funds be distributed to the KEVIN M. BERTELMANN, Trustee of the Harold E. Bertelmann Revocable Living Trust dated March 10, 2010. The discussion also related to deceased class member Margaret K. Bertelmann, who is not a party to Petition #7 but would be included in a future petition within the Probate Plan. The Court urged the parties to try to resolve their issues through mediation and took this deceased class member's settlement distribution under advisement.

On or about August 26, 2024, your Master and Probate Special Counsel received an email from Barron B. Bertelmann with a letter attached. Exhibit "7." The letter informed that despite his efforts, mediation was never initiated.

Under the Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings, filed December 29, 2023, Paragraph F provides:

**F. Objections to Petitions**

Any interested persons or parties who make any objection or otherwise disagree with the Petitions or Master Reports, will be removed from the Probate Plan and referred to the Mediation Center of the Pacific where the parties will have the opportunity to resolve the matter through mediation. When all issues are resolved, the Deceased Class Member's claim will be included back in the Probate Plan. If the parties are unable to resolve their disputes, they must retain private counsel in order to resolve any disagreements before being included back in the Probate Plan. Any additional expenses incurred in the administration of the Probate Plan resulting from these extra procedures shall be paid from the settlement funds allocated to the Deceased Class Member about whom the parties are in disagreement.

The Probate Plan, approved by the Court in Civ. No. 99-4771-12LWC, provides:

**XV. DISPUTED SITUATIONS.**

If any Deceased Class Members' heirs or devisees dispute who is entitled to receive settlement funds or in what percentage, they will be referred to mediation. If they are unable to resolve their dispute, they will be advised to retain private counsel. Distributions from the QST will be made in a manner consistent with the resolution of the dispute, upon order of the Probate Court.

On the basis of the foregoing, your Master amends her prior findings and recommendations and finds and recommends that the Court remove this deceased class member from Petition #7, and advise the heirs of their right to retain private counsel. Unless and until the parties interested in the Estate of Harold E. Bertelmann and the Estate of Margaret K. Bertelmann notify the Probate Special Counsel that their disputes have been resolved, neither Estate shall be included in a petition within the Probate Plan.

DATED: Honolulu, Hawaii, on August 28, 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

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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.

**CHRIS P. BERTELMANN**  
P.O. Box 191  
Mountain View, Hawaii 96771

**BARRON B. BERTELMANN**  
66-1747 Alaneo Street  
Kamuela, Hawaii 96743

**EDWIN R. BERTELMANN**  
P.O. Box 191  
Mountain View, Hawaii 96771

**KEVIN M. BERTELMANN**  
P.O. Box 191  
Mountain View, Hawaii 96771

**KAREN CORPUZ**  
P.O. Box 191  
Mountain View, Hawaii 96771

DATED: Honolulu, Hawaii, August 28, 2024.

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