

Kalima v State of Hawai'i – Update from Class Counsel

A list of plaintiffs from *Kalima v. State of Hawai'i*, Civil No. 99-4771-12 LWC (First Cir. Haw.) and a description of the settlement were published in the November 2022 issue of *Ka Wai Ola* without review by the Court, Special Master, or Class Counsel. The list was taken from 2016 court records and provided by the Department of Hawaiian Home Lands.

The article incorrectly stated that the Final Approval Hearing will be held on April 14, 2023. Instead, it will be held in July 2023.

Updated, detailed, and accurate information concerning whether you are a class member and the terms of the settlement can be found at www.kalima-lawsuit.com or by contacting the Claims Administrator appointed by the Court at: 1-808-650-5551 or 1-833-639-1308 (Toll-Free); e-mail at info@Kalima-Lawsuit.com; U.S. mail at Kalima Claims Administrator, P.O. Box 135035, Honolulu, Hawai'i 96801. Please contact the Claims Administrator with any questions. Neither OHA nor DHHL can advise concerning possible claims.

Since the June 9, 2022 preliminary approval of settlement in *Kalima et al. v. State*, the *Kalima* claims administration process has focused on two major tasks: (1) locating and contacting 2,700 class members and their families; and (2) reviewing electronic and paper records required to identify valid claims and calculate settlement payments. The stages necessary to distribute settlement payments are:

Notices to Class Members

Class members will receive three notices. The first notice was sent on July 5, 2022, informing class members of the settlement.

The second class notice will inform class members of the starting and ending dates for their claims, which will be used to calculate settlement payments. The dates used to calculate claims will usually be the lease application and lease award dates. The second notice will be sent to class members after January 2023.

When you receive the second notice, please review it and submit any corrections to the dates by the deadline stated in the notice. You do not need to respond unless the dates are not correct.

Locating Class Members

Locating class members and their relatives is an ongoing priority. The Claims Administrator has found addresses for almost all class members. However, because more than 1,100 class members are deceased, relatives and surviving family members should contact the Claims Administrator to update their contact information.

Relatives of Deceased Class Members

The Claims Administrator is compiling a list of relatives of deceased class members from Department of Health records, DHHL records and by Information Request Forms submitted by relatives.

Payment to heirs of deceased class members must be approved in a separate court proceeding called probate. In the probate proceeding, the probate judge will decide how the payment is distributed among surviving heirs.

If you are a relative of a deceased class member, please review and fill out an Information Request Form available on the www.Kalima-Lawsuit.com website, or by contacting the Claims Administrator.

Reviewing Electronic and Paper Records

The primary task to determine starting and ending dates for damages requires reviewing electronic and paper records for individual class members. There are over 2,700 class members who have more than 4,000 claims. Some of the records are fifty to sixty years old and more than 25% of the records are missing. In addition, we must rely on statements and investigations made more than thirty years ago, in the 1990s.

Going Forward

Class Counsel and the Claims Administrator will continue to review and confirm the dates necessary to calculate the settlement payments. We want to make sure we have the most accurate information we can find, understanding the challenge for claims based on insufficient or missing records. With the Court's supervision, we are striving to strike a balance between concluding the settlement as quickly as possible, but still making sure we are fully reviewing the records to determine valid claims.

Updates

Please go to kalima-lawsuit.com for updates on the case or attend one of the monthly Zoom Talk Story Sessions with Class Counsel. They are held the first Tuesday of each month and information about how to participate can be found on the settlement website.

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