



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

LINDA LINGLE
GOVERNOR

Mark J. Bennett, Attorney General
Phone: (808) 586-1500
Fax: (808) 586-1239

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COURT RULES IN HAWAIIAN HOME LANDS WAITING LIST CASE

HONOLULU – First Circuit Court Judge Elizabeth Hifo has issued a written decision in *Kalima v. State*, the Hawaiian Home Lands breach of trust individual claims case.

In 1999, beneficiaries of the Hawaiian Home Lands trust who believed they had had to wait too long to receive a homestead lease sued the State for breach of trust and damages. These waiting list claims were brought under a law enacted by the Legislature in 1992 that allowed beneficiaries of the trust to file a claim for monetary out-of-pocket loss that they sustained as a result of breaches of that trust between August 21, 1959 (Statehood) and June 30, 1988.

The claims were initially filed with the Hawaiian Home Lands Trust Individual Claims Review Panel between 1993 and 1995, and were allowed to proceed to trial after the Hawaii Supreme Court ruled in 2006 that the law's prerequisites for filing suit against the State in the circuit court had been satisfied.

Following a six-week trial, the circuit court ruled that the State, as trustee of the Hawaiian Home Lands trust, was liable for breaches of trust between 1959 and 1988, and that the waiting list claimants may seek to establish whether they suffered out-of-pocket monetary losses as a direct result of those breaches in further proceedings.

The State is reviewing the decision to determine appropriate next steps.

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For more information, contact:
Bridget Holthus
Special Assistant to the Attorney General
(808) 586-1284
bridget.holthus@hawaii.gov
www.hawaii.gov/ag