



DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA

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**ATTORNEY GENERAL LOPEZ HAILS HAWAII'S SUPREME COURT'S JUST, SWIFT
RESOLUTION OF *KALIMA* PROCEEDINGS**

FOR IMMEDIATE RELEASE

October 26, 2023

HONOLULU – Attorney General Lopez is applauding the Hawai'i Supreme Court for its historic decision fully and finally resolving all outstanding challenges in the *Kalima* litigation, while respecting the right of all parties to be heard.

In 2022, the State of Hawai'i, with support and funding from the Legislature, reached a \$328 million agreement with the *Kalima* class members to settle their claims and fulfill the state's promises to native Hawaiians. In exchange, the class members agreed to release all claims against the state. The settlement agreement, and the court order implementing it, both provide that the settlement funds cannot be transferred to the plaintiffs until all appeals have been exhausted.

Following the claims-administration process conducted by a firm selected by the plaintiffs' attorneys and appointed by the court, class member Rickey Rivera, who filed his claim in the 1990s, was determined to be entitled to zero dollars (\$0) under the settlement.

Mr. Rivera noticed a timely appeal, which was filed with the Hawai'i Intermediate Court of Appeals (docketed as CAAP-23-0000572). Mr. Rivera also filed a document that the Hawai'i Supreme Court treated as a petition for a writ of mandamus (docketed as SCPW-23-0000571), which is a legal proceeding seeking extraordinary relief. On an expedited schedule, the Hawai'i Supreme Court stayed proceedings on the appeal and received briefing from the parties.

In today's decision, the Supreme Court held that Mr. Rivera had the right to appeal and properly preserved the grounds for appeal. Nevertheless, the Supreme Court held that Mr. Rivera was not entitled to receive compensation. The Supreme Court denied Mr.

Rivera's petition and ordered the Hawai'i Intermediate Court of Appeals to dismiss Mr. Rivera's appeal. The Supreme Court explicitly stated that the decision ends all appellate review in the *Kalima* case.

"The Supreme Court's decision today acknowledged Mr. Rivera's right to be heard in an appellate court, while also promptly resolving all outstanding matters," said Attorney General Lopez. "This decision satisfied the remaining condition that needed to be met prior to the release of funds—a final judgment, with all appeals exhausted. We will now work with class counsel to ensure that all funds are released as soon as possible."

With the case remanded to the First Circuit Court, the Department of the Attorney General anticipates working with the plaintiffs' class counsel on a stipulated order directing the clerk to pay the settlement funds to the trustee of the qualified settlement trust. Once the First Circuit Court approves the order and the clerk pays the money, the trustee can then pay the beneficiaries their shares of the settlement.

A copy of today's Opinion can be found [here](#).

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