

NOTICE OF PROPOSED CLASS SETTLEMENT

MAUI FIRES CLASS ACTION

Nova Burnes, et al. v. Hawaiian Electric Company, Inc., et al.

Case No. 2CCV-24-0000964

Circuit Court of the Second Circuit, State of Hawai'i

**IF YOU WERE AFFECTED BY THE AUGUST 2023 MAUI WILDFIRES,
A PROPOSED CLASS ACTION SETTLEMENT MAY AFFECT YOUR
RIGHTS AND ENTITLE YOU TO PAYMENT.**

A court has authorized this notice. This is not a solicitation from a lawyer.

Please read this Notice carefully and completely.

- IF YOU HIRED A LAWYER TO HANDLE YOUR MAUI FIRES CLAIMS, THEN CONTACT YOUR LAWYER FOR INFORMATION ABOUT HOW TO PARTICIPATE IN THE INDIVIDUAL SETTLEMENT FUND AND EXCLUDE YOURSELF FROM THE CLASS AS YOU CAN ONLY PARTICIPATE IN ONE FUND (EITHER INDIVIDUAL OR CLASS).
- A proposed Global Settlement has been reached with a number of companies, individuals, and Hawai'i government entities (the "Defendants") in lawsuits over damages arising out of the August 2023 Maui wildfires (the "Global Settlement"). A complete list of Defendants is provided in **Question 1**, below.
- One lawsuit that is part of the Global Settlement is a class action lawsuit captioned *Nova Burnes, et al. v. Hawaiian Electric Company, Inc., et al.*, Civil No. 2CCV-24-0000964 (the "Class Action Lawsuit"), pending in the Circuit Court of the Second Circuit, State of Hawai'i (the "Court").
- Defendants deny that they did anything wrong, and the Court has not decided who is right.
- The parties have agreed to settle the Class Action Lawsuit (the "Class Settlement") to avoid the costs and risks, disruptions, and uncertainties of continuing the litigation.
- The Global Settlement total is \$4.037 billion. From this total amount, \$135 million will be put toward a Class Settlement Fund, and the remainder will be put toward the Individual Settlement Fund. The Class Settlement Fund amount will fund payments to class members, legal fees and expenses of the class, service awards for class representatives, and class administration costs, and certain amounts will be held back in order to potentially pay other claims, according to the terms of the Settlement Agreement.
- **If you hired a lawyer to represent you in relation to the August 2023 Maui Fires, you should talk to your lawyer about excluding yourself from the Class Settlement Fund and seeking payment through the Individual Settlement Fund by executing a document called an "Individual Settlement Agreement and Release". Please contact your attorney immediately to discuss your case. You cannot receive benefits from both the Class Settlement Fund and Individual Settlement Fund.**
- There are several categories of individuals who are eligible for the Class Settlement ("Class Members"). A complete list and descriptions of the categories are provided in **Question 5**, below. If the Court approves the

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Class Settlement and it becomes final, payments will be made to eligible Class Members based on an allocation plan approved by the Court.

- Class Members will be able to begin submitting claims now. The types of claims that are part of the Class Settlement are described below in **Question 8**. Please check the Settlement Website, www.MauiFiresClassSettlement.com, regularly for updates. You may also sign up for email updates on the Settlement Website.
- Your rights are affected whether you act or don't act. ***Please read this Notice carefully and completely.***

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM TO RECEIVE A PAYMENT FROM THE CLASS SETTLEMENT FUND	If you are eligible as a Class Member, you can file a claim to receive a payment from the Class Settlement Fund and be bound by the Class Settlement. The fastest way to submit your Claim Form is online at www.MauiFiresClassSettlement.com. If you prefer, you can download the Claim Form from the Settlement Website and mail it to the Settlement Administrator. You may also call or email the Settlement Administrator to request a paper copy of the Claim Form.	DECEMBER 22, 2025
OPT OUT OF THE CLASS SETTLEMENT FUND	You can choose to opt out of the Class Settlement and receive no payment from the Class Settlement Fund. If you choose this option, you will not be bound by the release that is part of the Class Settlement, which may allow you to sue, continue a lawsuit you have filed, or be part of another lawsuit against the Defendants related to the legal claims resolved by this Settlement. IF YOU HAVE HIRED YOUR OWN ATTORNEY IN RELATION TO THE AUGUST 2023 MAUI WILDFIRES, YOU SHOULD TALK TO YOUR LAWYER ABOUT EXCLUDING YOURSELF FROM THE CLASS SETTLEMENT BY EXECUTING THE INDIVIDUAL SETTLEMENT AGREEMENT AND RELEASE PRIOR TO THE OPT-OUT DEADLINE AND SEEKING PAYMENT THROUGH THE INDIVIDUAL SETTLEMENT FUND. Please contact your attorney immediately to discuss your case. If you execute the Individual Settlement Agreement and Release by the opt out deadline, you should not also submit an opt out form.	OCTOBER 7, 2025
OBJECT TO THE CLASS SETTLEMENT AND/OR ATTEND A HEARING	You may object to the Class Settlement by writing to the Court about why you don't like the Class Settlement. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also file a claim for Class Settlement benefits.	OCTOBER 7, 2025

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SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
DO NOTHING	If you fit one of the descriptions set out in Question 5, you are eligible for the Class Settlement Fund. You must submit a valid claim to receive one or more benefits from the Class Settlement Fund. If you do not submit a claim by the deadline, you will not receive benefits from the Class Settlement Fund and, unless you excluded yourself from the Class Settlement, you will give up the right to sue, continue to sue, or be part of another lawsuit against the Defendants related to the legal claims resolved by the Class Settlement. If you hired your own attorney, consult with that person about whether to participate in the Class Settlement Fund or the Individual Settlement Fund.	No Deadline

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Class Settlement.

What this Notice contains

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Basic Information

1. Why was this Notice issued?

The Circuit Court of the Second Circuit, State of Hawai'i, authorized this Notice. You have a right to know about the proposed Class Settlement of this Class Action Lawsuit, and about all of your options, before the Court decides whether to grant final approval of the Class Settlement. This Notice explains the Class Action Lawsuit, your legal rights, what benefits are available under the Class Settlement, and who can receive them.

The Class Action Lawsuit is captioned *Nova Burnes, et al. v. Hawaiian Electric Company, Inc.*, et al., Civil No. 2CCV-24-0000964, pending in the Circuit Court of the Second Circuit, State of Hawai'i. The people who filed this lawsuit are called the "Plaintiffs" (or "Class Representatives") and the entities they sued are called the "Defendants."

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The Defendants in this case are:

- State of Hawai'i
- County of Maui
- Hawaiian Electric Company, Inc., Maui Electric Company, Ltd., Hawai'i Electric Light Company, Inc., and Hawaiian Electric Industries, Inc. (collectively "Hawaiian Electric")
- The Trustees of the Estate of Bernice Pauahi Bishop/Kamehameha Schools ("KS")
- Spectrum Oceanic, LLC ("Spectrum")
- Hawaiian Telcom, Inc. ("Hawaiian Telcom")
- The West Maui Land Company and certain Affiliates

2. What is this lawsuit about?

The Global Settlement brings together a number of lawsuits. All of the lawsuits alleged that Defendants bear some responsibility for the August 2023 Maui wildfires in Lahaina, Kula or Olinda ("Maui Fires") and the damage and injuries the Maui Fires caused. Different Defendants were alleged to have different kinds of responsibility, but all were accused of being responsible in some way. The Global Settlement will resolve all of those allegations. The Global Settlement total is \$4.037 billion. From this total amount, \$135 million will be put toward the Class Settlement Fund and the remainder will be put toward the Individual Settlement Fund. The Class Settlement Fund will be used to pay claims of class members, legal fees and expenses of the class, service awards for class representatives, and class administration costs. Payments to class members from the Class Settlement Fund may be paid in installments over the next 4 years or more. Payments to individuals from the Individual Settlement Fund may also be paid in installments over the next 4 years or more. Additional details about the Global Settlement, Defendants' settlement payments, and administration of the \$135 million Class Settlement Fund can be found in the Class Settlement Agreement, which is available to you in the ways described below in the answer to Question No. 19.

3. What is a class action?

In a "class action," one or more individuals sue on behalf of other people with similar claims. These individuals are called the "Plaintiffs" or "Class Representatives." Together, the people included in the class action are called a "Class" or "Class Members." One court resolves the lawsuit for all Class Members, except for those who opt out from the settlement. In this Class Action Lawsuit, the Class Representatives are Jennifer Lynn McNamee, Rolland Williams, Jr., David Heymes, Rede S. Eder, Monica I. Eder, Nova Burnes, Maui Concierge Aesthetics, LLC, Barret Procell, and Kathryn Llamas. Everyone included in this Class Action Lawsuit, including persons who are not Class Representatives, are called the Class Members. The Class Members are described below in the answer to Question No. 5.

4. Why is there a settlement?

The Court did not decide whether the Plaintiffs or the Defendants are right. Both sides have agreed to the Global Settlement to avoid the costs and risks of continued litigation, and to allow the Class Members to receive benefits from the Class Settlement. Class Representatives and their attorneys think the Class Settlement is best for all Class Members.

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Who is in the Class Settlement?

5. Who is included in the Class Settlement Fund?

The Class definition includes nine categories of damages. Anybody who suffered the damages described in one or more of the nine categories on account of the Maui Fires is a Class Member and is eligible for compensation from the Class Settlement. You may fall into more than one of these categories.

You are a Class Member if you:

- (1) owned, rented, or resided on real property, or owned personal property, within the Fire Perimeters¹ or within 0.5 miles of the Fire Perimeters on August 8, 2023; **or**
- (2) owned, operated, or otherwise worked for or in connection with a business within the Fire Perimeters or within 0.5 miles of the Fire Perimeters at any time between August 8, 2023, and October 8, 2023; **or**
- (3) were present within the Fire Perimeters or within 5 miles of the Fire Perimeters at any time between August 8, 2023, and 9:00 a.m. on August 9, 2023; **or**
- (4) suffered physical injury due to the Maui Fires, or are Eligible Relatives² of such persons; **or**
- (5) are personal representatives or Eligible Relatives of a person who died due to the Maui Fires; **or**
- (6) are Immediate Family Members³ of Persons who were present within the Fire Perimeters on August 8, 2023; **or**
- (7) purchased a ticket prior to August 8, 2023, for travel by plane or ship to Maui between August 8, 2023, and October 8, 2023, and suffered economic loss that was not fully refunded due to trip cancellation or delay; **or**
- (8) had damage to your property on Maui between August 8, 2023, and October 8, 2023, from the Maui Fires; **or**
- (9) owned or operated a business on Maui that suffered damages resulting from a decline in tourism between August 8, 2023, and October 8, 2023.

6. Are there exceptions to being included?

Yes. Excluded from the Class are: (a) Defendants and their counsel; (b) the court officers to whom any lawsuits related to the Maui Fires are assigned; (c) insurers and insurance syndicates that claim or could claim damage or harm regarding the Maui Fires arising out of a right of subrogation or reimbursement; and (d) anyone who validly excludes themselves from the Settlement. Exclusion (c) does not preclude an insurer from submitting a claim on behalf of its policyholder under certain circumstances.

¹ “Fire Perimeters” means the areas that were burned by the Maui Fires. This will be determined using the Wildland Fire Interagency Geospatial Services (“WFIGS”) Group Interagency Fire Perimeters maps maintained by the National Interagency Fire Center. To view a map and check whether you are within these geographic boundaries, please visit www.MauiFiresClassSettlement.com.

² “Eligible Relatives” means you are a surviving spouse, reciprocal beneficiary, child, father, mother, or any other person wholly or partly dependent upon a person who died or suffered physical injury due to the Maui Fires, or any other Person who asserts a claim based on the death or physical injury of another due to the Maui Fires.

³ An “Immediate Family Member” means you are a spouse, reciprocal beneficiary, child, sibling, parent, grandparent, grandchild, stepparent, stepchild, stepsibling, and equivalent adoptive relationships of the Person present within the Fire Perimeters.

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If you have hired a lawyer to represent you in relation to the August 2023 Maui Fires, you should talk to your lawyer about excluding yourself from the Class Settlement by executing an Individual Settlement Agreement and Release before the Opt Out Deadline and seeking payment through the Individual Settlement Fund. You will not be able to receive benefits from both the Class Settlement Fund and Individual Settlement Fund.

If you are not sure whether you are a Class Member, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@MauiFiresClassSettlement.com
- Call toll-free, 24/7: 833-296-0890
- By U.S. Mail: *Maui Fires Class Settlement*, Settlement Administrator, P.O. Box 29699, Honolulu, HI 96820

You may also view the full Class Settlement Agreement at www.MauiFiresClassSettlement.com.

The Class Settlement Fund Benefits

7. What does the Class Settlement Fund provide?

The Class Settlement Fund of \$135 million will be used to pay out claims covered by the Class Settlement for persons who have not already hired their own attorney to represent them in relation to the August 2023 Maui Fires. The Class Settlement Fund will also be used to pay court-approved fees and costs incurred by the attorneys who brought the Class Action Lawsuit (“Class Counsel”), Service Awards for the Class Representatives, and the costs of administering the Class Settlement Fund. All other funds will be used to pay for the benefits described below.

If the Court approves the Class Settlement, payments will be made to eligible Class Members based on an allocation plan approved by the Court. Class Counsel will submit the proposed Class Settlement Plan to the Court by July 7, 2025, and post it at www.MauiFiresClassSettlement.com. Your individual payment cannot be estimated at this time.

There will be no payments if the Class Settlement is not approved by the Court or if it is ruled by a different court to be invalid on or after an appeal. Also, you will not get money if you are not a Class Member even if the Class Settlement is approved.

Submitting a Claim Form for a Class Settlement Payment

8. How do I submit a claim for a Class Settlement Fund benefit?

Claim forms and detailed instructions on how to submit claims are available at www.MauiFiresClassSettlement.com. Please check the Settlement Website regularly for updates. You may also sign up for email updates on the Settlement Website.

If you do not submit a valid Claim Form by **December 22, 2025**, you will not receive a payment, and you will be bound by the Court’s judgment, including the release in the Class Settlement, unless you timely opt out of the Settlement.

You are not limited to claiming one category of damages. You may file a claim for any of the following categories of damages that you qualify for:

- Real Property Loss

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- Personal Property Loss
- Business Interruption
- Personal Income Loss
- Evacuation
- Physical Injury
- Wrongful Death
- Travel Claim
- Damage to Property on Maui

If you have questions about these claims, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@MauiFiresClassSettlement.com
- Call toll-free, 24/7: 833-296-0890
- By U.S. Mail: *Maui Fires Class Settlement*, Settlement Administrator, P.O. Box 29699, Honolulu, HI 96820

9. What claims am I releasing if I submit a claim?

Unless you opt out of the Class Settlement, you won't be able to sue, continue to sue, or be part of any other lawsuit against the Defendants about any of the legal claims this Settlement resolves, if the Court approves the Class Settlement. The "Releases" section of the Class Settlement Agreement (Article VII) describes the legal claims that you give up if you remain in the Class. The Class Settlement Agreement is available at www.MauiFiresClassSettlement.com.

The Lawyers Representing You

10. Do I have a lawyer in the case?

Yes, the Court appointed attorneys Patrick Kyle Smith of Law Office of Kyle Smith; Graham B. LippSmith of LippSmith LLP; and Terrance M. Revere of Revere & Associates LLC as Class Counsel to represent Class Members.

IF YOU HAVE HIRED YOUR OWN LAWYER TO REPRESENT YOU IN RELATION TO THE AUGUST 2023 MAUI FIRES, YOU SHOULD TALK TO YOUR OWN LAWYER ABOUT EXCLUDING YOURSELF FROM THE CLASS SETTLEMENT BY EXECUTING THE INDIVIDUAL SETTLEMENT AGREEMENT AND RELEASE BEFORE THE OPT OUT DEADLINE AND SEEKING PAYMENT THROUGH THE INDIVIDUAL SETTLEMENT FUND.

11. Should I get my own lawyer?

Class Counsel's services are paid from the \$135 million Class Settlement Fund. If you want your own lawyer, you may hire one at your expense and you should talk to that lawyer about excluding yourself from the Class Settlement by executing the Individual Settlement Agreement and Release before the opt out deadline and seeking payment through the Individual Settlement Fund.

12. How will Class Counsel be paid?

Class Counsel will ask the Court to approve attorneys' fees up to, but in any event no more than, \$26.61 million (15% of the Settlement plus general excise tax of 4.7120%), and costs of litigation, which will be paid from the Class Settlement Fund. Class Counsel will also ask the Court to award up to \$10,000.00 to each of the Class

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Representatives as a service award, in recognition of their time and effort spent on behalf of the Class in achieving the Class Settlement.

The Court may award less than the amount requested by Class Counsel. Any amount awarded to Class Counsel or Class Representatives will be paid out of the Class Settlement Fund. Class Counsel will file their motion for attorneys' fees and costs no later than December 9, 2025, and a copy of the motion will also be available at www.MauiFiresClassSettlement.com.

Opting Out of the Class Settlement

13. How do I opt out of the Class Settlement?

If you do not want to be part of the Class Settlement, you must formally opt out of it. If you opt out, you will not be eligible for benefits under the Class Settlement Fund, but you will keep any rights you may have to sue Defendants on your own about the legal issues in this case.

IF YOU HAVE HIRED YOUR OWN LAWYER TO REPRESENT YOU IN RELATION TO THE AUGUST 2023 MAUI FIRES, YOU SHOULD TALK TO YOUR LAWYER ABOUT EXCLUDING YOURSELF FROM THE CLASS SETTLEMENT BY SIGNING THE INDIVIDUAL SETTLEMENT AGREEMENT AND RELEASE PRIOR TO THE OPT OUT DEADLINE AND SEEKING PAYMENT THROUGH THE INDIVIDUAL SETTLEMENT FUND. IF YOU SIGN THE SETTLEMENT RELEASE BY THE OPT OUT DEADLINE, YOU SHOULD NOT ALSO SUBMIT AN OPT OUT FORM.

If you do not execute an Individual Settlement Agreement and Release in order to seek payment through the Individual Settlement Fund, and you do not wish to receive benefits from the Class Settlement Fund, you must complete an Opt Out Form. The deadline to opt out from the Class Settlement is **October 7, 2025**.

The easiest way to submit your opt out is online at www.MauiFiresClassSettlement.com. You may also download a printable version of the Opt Out Form if you prefer to file it by US Mail. Alternately, you may contact the Settlement Administrator by email at info@MauiFiresClassSettlement.com, or telephone 833-296-0890, and request that an Opt Out Form be mailed to you.

If submitting your Opt Out Form by U.S. Mail, please send it the Settlement Administrator at: *Maui Fires Class Settlement*, Settlement Administrator, P.O. Box 29699, Honolulu, HI 96820

Your Opt Out Form must be submitted, postmarked, or emailed by **October 7, 2025**.

Commenting on or Objecting to the Class Settlement

14. How do I tell the Court if I do not like the Class Settlement?

If you are a Class Member and do not like part or all of the Class Settlement, you can object to it. Objecting means telling the Court your reasons for why you think the Court should not approve the Class Settlement. The Court will consider your views.

You cannot object if you have opted out of the Class Settlement (**see Question 13**).

You must provide the following information in writing by the deadline to provide it for the Court to consider your objection:

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- (1) the name of the Action: *Nova Burnes, et al. v. Hawaiian Electric Company, Inc., et al.*, Civil No. 2CCV-24-0000964, pending in the Circuit Court of the Second Circuit, State of Hawai'i;
- (2) your full name, date of birth, mailing address, telephone number, and email address;
- (3) information that proves that you are a Class Member;
- (4) a clear description of all the reasons you object; include any legal support you may have for your objection;
- (5) whether or not you or your lawyer would like to speak at the Final Approval Hearing;
- (6) if you have hired your own lawyer to represent you at the Final Approval Hearing, provide their name and telephone number; and
- (7) your personal, hand-written signature (if you have hired your own lawyer, your lawyer's signature is *not sufficient*).

If you have hired your own lawyer, they will also need to file a Notice of Appearance as described in Section 9.2.2 of the Class Settlement Agreement.

For your objection to be valid, it must meet each of these requirements and be timely filed.

To be considered by the Court, you must file your complete objection with the Clerk of Court by **October 7, 2025**. You must also send copies of the objection to both Class Counsel and counsel for Defendants.

Clerk of the Court	Class Counsel
Clerk of the Court Circuit Court of the Second Circuit, State of Hawai'i Hoapili Hale, 2145 Main St, Ste 106, Wailuku, HI 96793-1679	Patrick Kyle Smith Law Office of Kyle Smith 604 Ilimano St Kailua, HI 96734 Graham B. LippSmith LippSmith LLP 55 Merchant St, Ste 1850 Honolulu, HI 96813 Terrance M. Revere Revere & Associates 970 N Kalaheo, Ste A301 Kailua, HI 96734

(Counsel for Defendants continued on next page)

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Attorneys for Defendant HAWAIIAN TELCOM, INC.

15. What is the difference between objecting and opting out?

Objecting is telling the Court that you do not like something about the Class Settlement. You can object to the Class Settlement only if you do not opt out the Class Settlement. Opting out is stating to the Court that you do not want to be part of the Class Settlement. If you opt out of the Class Settlement, you cannot object to it because the Class Settlement no longer affects your legal rights.

The Court's Final Approval Hearing

16. When is the Court's Final Approval Hearing?

The Court will hold a final approval hearing on **January 8, 2026, at 10:00 a.m. Hawai'iian Time** at the Circuit Court of the Second Circuit, State of Hawai'i, at Hoapili Hale, 2145 Main Street, Suite 106, Wailuku, Hawai'i 96793-1679. Any updates made to the time and location will be posted to the website www.MauiFiresClassSettlement.com.

At the final approval hearing, the Court will decide whether to approve the Class Settlement Fund. The Court will also decide how Class Counsel should be paid, and whether to award Service Awards to the Class Representatives who brought this Class Action Lawsuit on behalf of the Class. The Court will also consider objections to the Class Settlement Fund.

If you are a Class Member, you or your lawyer may ask permission to speak at the hearing at your own cost (**See Question 14**).

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The date and time of this hearing may change without further notice. Please check www.MauiFiresClassSettlement.com for updates.

17. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish, but you do not have to.

If you file an objection, you do not have to come to the Final Approval Hearing to talk about it; the Court will consider it as long as it was filed on time. You may also pay your own lawyer to attend, but you do not have to.

If I Do Nothing

18. What happens if I do nothing at all?

If you do nothing by **October 7, 2025**, you will be bound by the Class Settlement. If you do not submit a claim by the **December 22, 2025, Claims Deadline**, you will not receive a benefit from the Class Settlement Fund, but you still will be bound by the Settlement, if it is approved by the Court.

You will also give up the rights described in **Question 9**.

Getting More Information

19. How do I get more information?

This Notice is a summary of the proposed Class Settlement. The full Class Settlement Agreement and other related documents are available at the Settlement Website, www.MauiFiresClassSettlement.com.

If you have additional questions, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@MauiFiresClassSettlement.com
- Call toll-free, 24/7: 833-296-0890
- By U.S. Mail: *Maui Fires Class Settlement*, Settlement Administrator, P.O. Box 29699, Honolulu, HI 96820

You can obtain copies of publicly filed documents by visiting the office of the Clerk of the Court, Hoapili Hale, 2145 Main St, Ste 106, Wailuku, HI 96793.

DO NOT CONTACT THE COURT OR CLERK OF COURT REGARDING THIS CLASS SETTLEMENT