



## Kelly G. LaPorte

### PARTNER

Kelly, a former Airborne Ranger, is Chairman of the Litigation Department of Cades Schutte. He is also the Chair of the Educational Institutions Law Practice Group.

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## Overview

Kelly, a former Airborne Ranger, is Chairman of the Litigation Department of Cades Schutte. He is also the Chair of the Educational Institutions Law Practice Group.

His practice focuses on civil trial and appellate matters, including the prevention, mediation, arbitration, and litigation of business, real estate, construction, employment, intellectual property, telecommunications, trust, school, and insurance disputes. He also is a member of the firm's Recruiting Committee, and frequently serves as an arbitrator.

Kelly is recognized as a leading attorney in Litigation: General Commercial by the *Chambers & Partners USA Guide*, and has received the highest rating for legal abilities and ethical standards from *Martindale Hubbell*.

## Noteworthy

## Experience

Kelly has obtained substantial success for his clients in the following matters:

- Lead counsel in obtaining judgment exceeding \$5.825 million in business contract dispute against one of Hawaii's largest real estate developers and its affiliated entity, individual, and trust
- Lead counsel in representing homeowner and obtaining judgment exceeding \$825,000 against luxury home general contractor on Kauai in construction dispute, which judgment entailed award of treble damages against general contractor
- Lead counsel in defending one of Hawaii's largest retailers in class action lawsuit alleging violations of the Lanham Act
- Defeated claims for damages in excess of \$21 million and obtained summary judgment on all claims in favor of contractor and against the State of Hawai'i in lawsuit involving vehicle tracking system at Honolulu International Airport

## Practices & Industries

### Agriculture & Food Distribution

### Construction

### Educational Institutions

### Employment Law & Labor Relations

### Energy

### Hospitality & Retail

### Insurance Coverage & Defense

### Intellectual Property

### Land Use, Zoning & Entitlements

- Land Use Violations & Disputes

### Litigation

- Alternative Dispute Resolution
- Commercial Disputes
- Contested Case & Administrative Proceedings

### Non-profit & Tax-Exempt Organizations

### Professional Liability

### Real Estate

- Real Estate Disputes

### Technology

### Water Resources

- Lead counsel for owner of major Hawai'i commercial shopping center in claims against architect and general contractor for design and construction defects. Obtained recovery for client in excess of \$2.5 million
- Lead counsel in defense of publicly traded real estate developer's subsidiary against construction defect, unfair and deceptive trade practices, and Federal Fair Housing Amendments Act claims. Defeated all claims, and recovered 100% of asserted counterclaim damages and 100% of client's attorneys' fees
- Defended United States' largest publicly traded retail company in lawsuit seeking to enjoin construction of major development, obtained summary judgment against plaintiffs
- Defended United States' largest publicly traded retail company against multiple lawsuits and administrative appeals involving zoning and permitting issues, prevailing on all matters
- Defended largest Hawai'i private landowner against numerous unlawful government taking efforts, resulting in dismissal of cases and recovery of more than \$.5 million in attorneys' fees
- Lead counsel for the State of California in Hawai'i-based real estate lawsuit and mediation
- Defended major Hawai'i institution against multi-million dollar lender liability lawsuit, resulting in dismissal of case and award of nearly \$1 million in attorneys' fees
- Lead counsel for major Hawai'i real estate brokerage firm in litigation involving claims of breach of contract, tortious interference, and racial discrimination, obtaining dismissals of related lawsuits in both U.S. District Court and U.S. Bankruptcy Court
- Lead counsel in employment discrimination case involving large international cargo transportation company
- Represented large landowner in dispute regarding liability for rockfall into adjacent condominium development, obtaining \$3.5 million recovery for client
- Lead counsel for large landowner in lawsuits arising from flooding of downslope property
- Obtained dismissal of class-action in ADA lawsuit against major property owner
- Lead local counsel in patent infringement case, representing eminent Hawai'i high-tech company
- Defended largest Hawai'i school against civil rights lawsuits
- Represented national telecommunications companies in multiple zoning and permitting contested cases

**His reported cases include the following:**

- *Skyline Zipline Global, LLC v. Domeck*, 922 F. Supp. 1130 (D. Hawai'i 2013)
- *Burlington Insurance Co. v. Panacorp, Inc.*, 758 F. Supp. 2d 1121 (D. Hawai'i 2010)
- *Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate*, 295 F. Supp. 2d 1141 (D. Hawai'i 2003), affirmed, 470 F.3d 827 (9th Cir. 2006) (en banc)
- *Citizens Against Reckless Development v. Zoning Board of Appeals of City & County of Honolulu*, 114 Hawai'i 184, 159 P.3d 143 (2007)
- *Coon v. City & County of Honolulu*, 98 Hawai'i 233, 47 P.3d 348, 361 (2002)
- *In Re Water Use Permit Applications (Waiahole)*, 96 Hawai'i 27, 25 P.3d 802 (2001)
- *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877 (9th Cir. 2000)
- *Kona Enterprises, Inc. v. Estate of Bishop*, 179 F.3d 767 (9th Cir. 1999)
- *Kona Enterprises, Inc. v. Estate of Bishop*, 51 F. Supp. 2d 1048 (9th Cir. 1998)

## Awards

- Listed in *Best Lawyers*®, Construction Law, Litigation – Construction, Real Estate Law, and Litigation – Real Estate, since 2014
- *Benchmark Litigation*: Litigation Star, General Commercial Litigation, since 2009
- Listed in *Chambers & Partners*, USA Guide, since 2020
- *Martindale-Hubbell AV Preeminent*® Peer Review Rated, since 2004
- *Martindale-Hubbell AV Preeminent*® Peer Review Rating 5.0 out of 5.0
- *Super Lawyers*®, since 2015

## Credentials

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### Education

- J.D. (1994), Georgetown University Law Center
- B.S. (1986), United States Military Academy at West Point, First in class in Leadership, Academy nominated Rhodes Scholar Candidate

### Admissions

- Hawai'i State Bar (1994)
- United States District Court for the District of Hawai'i (1994)
- United States Court of Appeals for the Ninth Circuit (1996)
- United States Supreme Court (1999)

### Membership

- Hui Pākōlea paddling club
- Secretary and Director, Navy SEAL Foundation – Hawai'i (2013-2017)
- Hawaii State Bar Association
- American Bar Association
- American Criminal Law Review (Associate Editor: 1993-1994)
- 25th Infantry Division, Airborne Ranger
- West Point Society of Hawai'i
- Georgetown Society of Hawai'i
- National Eagle Scout Association