



## Kelly G. LaPorte

### *Partner*

Kelly, a former Airborne Ranger, is a partner in the Litigation Department of Cades Schutte and is a member of the firm's Management Committee. 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 has received the highest rating for legal abilities and ethical standards from Martindale Hubbell.

### Contact Information

#### HONOLULU OFFICE

Cades Schutte Building  
1000 Bishop Street  
Suite 1200  
Honolulu, HI 96813

#### EMAIL

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#### PHONE

(808) 544-3848

#### FAX

(808) 521-9210

### Areas of Practice

Commercial and Real Estate  
Arbitration and Litigation  
Construction Law and Litigation  
Educational Institutions Law  
Employment Law and Labor Relations  
Energy and Public Utilities Law  
Insurance Defense and Professional Liability  
Intellectual Property & Technology

### EXPERIENCE

- 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 Hawaii in lawsuit involving vehicle tracking system at Honolulu International Airport.
- Lead counsel for owner of major Hawaii 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 Hawaii 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 Hawaii-based real estate lawsuit and mediation.
- Defended major Hawaii 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 Hawaii 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.

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- 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 Hawaii high-tech company.
- Defended largest Hawaii school against civil rights lawsuits.
- Represented national telecommunications companies in multiple zoning and permitting contested cases.

#### REPORTED CASES

- Skyline Zipline Global, LLC v. Domeck, 922 F. Supp. 1130 (D. Hawaii 2013)
- Burlington Insurance Co. v. Panacorp, Inc., 758 F. Supp. 2d 1121 (D. Hawaii 2010)
- Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate, 295 F. Supp. 2d 1141 (D. Hawaii 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 Hawaii 184, 159 P.3d 143 (2007)
- Coon v. City & County of Honolulu, 98 Hawaii 233, 47 P.3d 348, 361 (2002)
- In Re Water Use Permit Applications (Waiahole), 96 Hawaii 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)

#### 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

#### AWARDS AND HONORS

- Listed in Best Lawyers®, Litigation - Construction and Litigation - Real Estate, since 2014
- Benchmark Litigation: Litigation Star, General Commercial Litigation, since 2009
- Listed in Chambers and 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®, 2015 - 2019

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#### ADMISSIONS

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

#### MEMBERSHIPS

- Secretary and Director, Navy SEAL Foundation - Hawaii
- Hawaii Bar Association
- American Bar Association
- American Criminal Law Review (Associate Editor: 1993-1994)
- 25th Infantry Division, Airborne Ranger
- West Point Society of Hawaii
- Georgetown Society of Hawaii
- National Eagle Scout Association

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