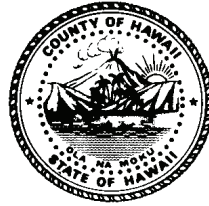


Mitchell D. Roth
Mayor



Elizabeth A. Strance
Corporation Counsel

J S. Yoshimoto
Assistant Corporation
Counsel

COUNTY OF HAWAII
OFFICE OF THE CORPORATION COUNSEL

101 Aupuni Street, Suite 325 • Hilo, Hawaii 96720 • Phone (808) 961-8251 • Fax (808) 961-8622

July 26, 2023

Via Electronic Mail only

A. Bernard Bays
Andrew J. Lautenbach
John W. Kelly
Starn O'Toole Marcus & Fisher
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 1900
Honolulu, Hawaii 96813
abb@starnlaw.com
alautenbach@starnlaw.com
jkelly@starnlaw.com

Dear Sirs:

Re: Fiscal Year 2023-24 Professional Services: Statement of Qualifications (SOQs)

Thank you for submitting your firm's Statement(s) of Qualifications for providing professional services to the Office of the Corporation Counsel, County of Hawaii. Based upon the information provided, the Department's review committee has determined that your firm is qualified to perform services for the following category(ies):

- CC.1) Attorney/Law (Civil Rights Defense)
- CC.2) Attorney/Law (General Personal Injury Defense)
- CC.3) Attorney/Law (Criminal Defense of County Employees)
- CC.4) Attorney/Law (General defense in civil matters, including administrative proceedings)
- CC.5) Attorney/Law (Federal and State Tax)
- CC.6) Attorney/Law (Worker's Compensation)
- CC.7) Attorney/Law (Constitutional)
- CC.8) Attorney/Law (Public Sector Employment)
- CC.9) Attorney/Law (Public Financing)
- CC.10) Attorney/Law (Drafting of Legislation and Administrative Rules)
- CC.11) Attorney/Law (Real Estate)
- CC.12) Attorney/Law (Land Use, Planning)
- CC.13) Attorney/Law (Class Actions)
- CC.14) Attorney/Law (Procurement)

A. Bernard Bays
Andrew J. Lautenbach
John W. Kelly
Starn O'Toole Marcus & Fisher
July 26, 2023
Page 2

- CC.15) Attorney/Law (Enforcement of Federal, State and County Law)
- CC.16) Attorney/Law (Condemnation)
- CC.17) Attorney/Law (Construction Litigation)
- CC.18) Attorney/Law (Bankruptcy)
- CC.19) Attorney/Law (Commercial Transactions)
- CC.20) Attorney/Law (Collections)
- CC.21) Attorney/Law (Fair Labor Standards Act and other laws related to compensation)
- CC.22) Attorney/Law (Environmental)
- CC.23) Attorney/Law (Regulatory)

Your firm will remain on the Department's List of Qualified Providers of Professional Services until June 30, 2024. For your information, this list may be utilized by any County agency during this time period.

When the need for professional services arises, a selection committee will review the qualifications of firms on the list in the appropriate category. Professional services procurements that equal or exceed \$5,000.00 are posted on the County's website within seven (7) days of the contract award.

Thank you for your interest in providing professional services to the County of Hawai'i. If you have any questions or concerns, please contact Amy Bautista at corpcounsel@hawaiicounty.gov or (808) 961-8251.

Respectfully,



Lerisa L. Heroldt
Deputy Corporation Counsel
Litigation Section Chief
Chair, 2023-24 Professional Services Statement of Qualifications Review Committee

cc: Elizabeth Spradlin, Legal Assistant (via e-mail only)
espradlin@starnlaw.com

Heidi Wurm, Legal Assistant (via e-mail only)
hwurm@starnlaw.com

A. Bernard Bays
Andrew J. Lautenbach
John W. Kelly
Starn O'Toole Marcus & Fisher
July 26, 2023
Page 3

bcc: County of Hawai'i, Procurement with enclosure (application packet)

STARN · O'TOOLE · MARCUS & FISHER

A LAW CORPORATION

Elizabeth A. Strance
Department of Corporation Counsel
County of Hawaii
Hilo Lagoon Centre
101 Aupuni Street, Unit 325
Hilo, HI 96720
Elizabeth.Strance@hawaiicounty.gov

QUALIFICATION AND EXPRESSION OF INTEREST FOR PROFESSIONAL LEGAL SERVICES

A. Bernard Bays
Starn O'toole Marcus & Fisher
733 Bishop Street, Suite 1900
Tel.: 808-537-6100
Fax: 808-537-5434

LAW FIRM AFFILIATIONS

Starn O'Toole Marcus & Fisher
Pacific Guardian Center
733 Bishop Street, Suite 1900
Honolulu, Hawaii 96813
April 2022 to Present

Bays Lung Rose Voss
Topa Financial Center
700 Bishop Street, Suite 700
Honolulu, HI 96813
1986 to 2022

Pacific Guardian Center, Makai Tower – 733 Bishop Street, Suite 1900 – Honolulu, HI 96813
Telephone: (808) 537-6100 – Fax: (808) 537-5434 – Website: www.starnlaw.com

Carlsmith Ball
1001 Bishop St Suite #2100
Honolulu, HI 96813

1975 to 1985

LEGAL EDUCATION

Stanford Law School, Stanford, CA; J.D.; 1969
Law Review

BAR ADMISSION

Admitted to Practice in Hawaii; October 1970

RANGE OF HOURLY RATES

Applicant	\$500 to \$650
Directors	\$900 to \$375
Associates	\$350 to \$200
Paralegals	\$190

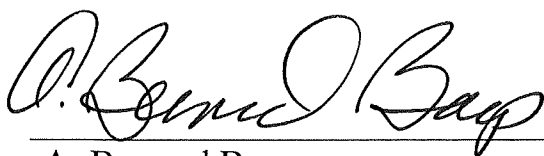
APPLICANTS FIRM CAN PROVIDE SERVICES FOR:

CC.2 General Personal Injury Defense
CC.4 General Defense in Civil Matters
CC.11 Real Estate
CC.12 Land Use, Planning
CC.16 Condemnation
CC.17 Construction Litigation
CC.19 Commercial Transactions

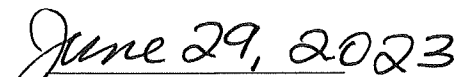
QUALIFICATIONS

See attached for Qualification of A. Bernard Bays

See attached for Qualifications of Starn O'Toole Marcus & Fisher



A. Bernard Bays


Date

STARN · O'TOOLE · MARCUS & FISHER

A L A W C O R P O R A T I O N



A. Bernard Bays

Director, Attorney at Law
Starn O'Toole Marcus & Fisher, A Law Corporation
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 1900
Honolulu, Hawaii 96813
Telephone: 808-537-6100
Direct Line: 808-447-5601
Mobile: 808-284-8805
Email: abb@starnlaw.com

Bernie Bays became a Director of Starn O'Toole Marcus & Fisher in 2022. Prior to joining Starn O'Toole Marcus & Fisher, Mr. Bays was a partner of a prominent Honolulu law firm he founded in 1986. During his over 50 years of practice in Hawaii, Mr. Bays has gained a statewide reputation for his expertise in complex commercial litigation, real estate law and litigation, land use law and litigation and trusts and estates Litigation. Because of the stringent experience and testing requirements, he is one of the few attorneys in Hawai'i who is Board Certified as a Civil Trial Advocate by the National Board of Legal Specialization and who has also been certified by the Supreme Court of Hawai'i as a specialist in Civil Trial Advocacy. Mr. Bays has achieved the highest "AV Preeminent" rating by the Martindale-Hubbell® legal rating service. He is also recognized by the Best Lawyers in America® list, in multiple practice areas since 2006. Mr. Bays is also a licensed real estate broker.

Mr. Bays has represented clients in landmark litigation cases in all state and federal courts including the Supreme Court of the United States and all lower courts. Mr. Bays has:

- Trusts and Estates Litigation - Represented the Parker Ranch Foundation Trust in defeating a will contest over the \$450M estate of Richard Smart filed by his two sons. The estate included the 225,000 acre Parker Ranch located at Waimea on the Island of Hawaii.
- Lease Rest Arbitration – Represented the Hilton Waikiki Beach Hotel in the arbitration of the ground lease rent for the Hotel.
- Real Estate Litigation - Represented Aloha Tower Associates, the developers of Aloha Tower Marketplace, in a \$710M case against Mitsue Bank and Trust for its misconduct in the development of the Marketplace.
- Real Estate Law and Litigation - Represented the Makena Beach Partnership of local Maui investors in negotiating and obtaining the appropriations for a \$12.0M sale of their Makena Beach property to the State of Hawaii. He also subsequently represented the Partnership in obtaining a Judgment against the State of Hawaii for an additional \$5.5M because of fraud by the State.
- Major Land Use Reclassification - Represented the Newton family before the State Land Use Commission in reclassifying more than 400 acres of land above Hilo on the Island of Hawaii from Conservation to Agriculture
- Antitrust Litigation - Represented Budget Rent A Car in the State's largest antitrust case against Hawaiian Airlines.

- Antitrust Litigation - Represented Oahu Gas Services in an antitrust case against Gasco.
- Community Representation Litigation - Represented the St. Louis Heights Community Association in a test case appealing and reducing the real property taxes for hundreds of homeowners.
- Real Estate Litigation - Represented Hidenori Ito in successfully blocking the \$11M sale of the Gerbode Estate property in central Oahu which enabled Ito to buy the property for \$10.3M.
- Real Estate Test Case - Represented a group of homeowners in a landmark case before the US Supreme Court upholding the constitutionality of the Hawaii Land Reform Act.
- Real Estate Test Case - Represented a homeowner group in a test case before the Hawaii Supreme Court upholding the Hawaii Lease Rent Renegotiation Relief Act.
- Corporation Test Case - Represented Crown Corporation in a federal test case upholding the validity of a reverse stock split.
- Real Estate Litigation - Represented Michael Fuchs, the former Vice Chairman of Time Warner, in a lawsuit regarding the \$18M purchase of an oceanfront development property from Mauna Lani Resort that enabled Fuchs to purchase the property for \$16.5M.
- Real Estate and Corporation Litigation - Represented Seibu Corporation in defending a case to block the sale of the Makena Resort and Prince Hotel on Maui. The case was dismissed and affirmed on appeal allowing the \$500M sale to proceed.
- Trusts and Estates Litigation - Represented a beneficiary in litigation against the \$1.0B Damon Estate where he achieved a multi-million dollar settlement for one of the beneficiaries.
- Lease Rent Arbitration – Represented the Royal Aloha condominiums in the arbitration of the ground lease rent.
- Lease Rent Arbitration – Represented the Lessor in the arbitration of the ground lease rent for the S. Beretania Taco Bell and Pizza Hut.
- Major Land Use Reclassification - Represented Forest City as co-counsel before the Land Use Commission to obtain approval for the Kamakana planned community at Kailua-Kona on the Island of Hawaii.
- Land Use Litigation - Represented Forest City successfully defending land use approval litigation in opposition to the Forest City Kamakana planned community brought by a large adjoining landowner.
- Major Land Use Approval - Represented the developer of the Aina Lea planned community in proceedings before the Land Use Commission to have the affordable housing requirement reduced from 60% down to 20% for its planned community adjacent to the Mauna Lani Resort on the Island of Hawaii.
- Land Use Approval - Represented the Aina Lea planned community developer in obtaining approval from the Hawaii County Council for a timeshare component in its planned community.
- Land Use Litigation - Represented the Aina Lea planned community developer in successfully defending litigation brought by a nearby community challenging the timeshare approval.

- Real Estate Litigation - Represented a prominent real estate developer in a suit against Kaiser Hospital which enabled the developer to purchase the Waikiki Prince Hotel site.
- Major Land Use Litigation - Successfully represented the developer in litigation opposing development of the Waikiki Prince Hotel, including the first appellate decision in Hawaii upholding the issuance of a Special Management Area Use Permit for development of the hotel.
- Real Estate Litigation - Represented a large national developer in a case against Crocker National Bank regarding \$135M in loans secured by 3 large Honolulu condominium projects which resulted in a reduction of the loan balances to a fraction of their face value.
- Community Land Use - Represented the St. Louis/Chaminade Community Association successfully opposing certain undesirable aspects of a nearby condominium development.
- Community Land Use - Represented a coalition of North Shore Community Associations in successfully opposing a \$1B rock quarry proposed for the North Shore in a contested case before the Planning Commission.
- Community Real Estate Litigation - Represented thousands of single family lessees in litigation and negotiations to buy the fee interest in their homes.
- Community Real Estate Representation - Represented thousands of condominium lessees in buying the fee interest in their condos.
- Major Land Use Litigation - Represented the developer of the Kaluakoi Resort Community on Molokai in a test case before the Ninth Circuit Court of Appeals to obtain a water supply for the resort.
- Shoreline Land Use Approvals - Represented various landowners in obtaining shoreline development approvals.
- Shoreline Land Use :Litigation - Successfully defended litigation challenging various shoreline development approvals.

Areas of Practice

- Commercial Litigation
- Real Estate Law and Litigation
- Land Use Law and Litigation
- Trusts and Estates Litigation
- Corporation and Partnership Litigation
- Professional Errors and Omissions Defense Litigation

Certified Legal Specialties

- Civil Trial Advocacy, Supreme Court of Hawaii
- Civil Trial Advocate, National Board of Legal Specialization (National Board of Trial Advocacy)

Bar Admissions

- California
- Hawaii

- U.S. Supreme Court
- U.S. District Court of Hawaii
- U.S. Court of Appeals 9th Circuit

Education

- Stanford Law School, Palo Alto, California
J.D. – 1969
Stanford Law Review, Board of Editors
- University of Southern California, Los Angeles, California
B.A. (Magna Cum Laude)
Major: Economics
Minor: Business and Accounting

Published Works

- “How to Avoid and Handle Real Estate Disputes”, The Real Book of Real Estate, By Robert Kiyosaki, Vanguard Press
- Business & Economic Reactions to Climate Change – Renewable Energy, TSG
- Insurance Company Reactions to Climate Change, TSG
- Title risks and title Insurance Coverage, NBI
- Constitutional Limitations on Land Use Regulations, NBI
- Challenging a Rezoning Decision, NBI
- Co-Author, Practical Guide to Zoning and Land Use Law
- The Scramble to Protect the American Dream in Paradise: Is Affordable Housing Possible in Hawaii?, Hawaii Bar Journal
- Hawaii Boundary Law: Critical Issues and Solutions Every Practitioner Needs to Know
- Advanced Real Estate Purchases & Sales, Agency Duties and Liabilities
- Agency Duties & Liabilities: Advanced Conference on Real Estate Purchase and Sales
- Boundary Law in Hawaii
- Risk Management III: Misrepresentation and Non-Disclosure
- Risk Reduction
- When You Can't Settle, Try Mediation
- Hazardous Waste, The Purchasers Point of View
- Real Estate Broker Liability
- How Agency Relationships and Disclosure Affect Managing Agents
- What You Need to Disclose About Leases
- Current Legal Aspects of Real Estate Law
- Misrepresentation and Disclosure in Real Estate
- Real Estate Brokers: Selected Legal Issues

- Errors and Omissions, Casualty, Liability, and Other Insurance for the Attorney
- Avoid Agency/Sub-Agency Liability
- Hawaii Land Reform Act: A New Approach
- Real Estate Litigation: Condemnation
- Handling the Lawyer's Professional Liability Claim

Classes/Seminars

- Lectured extensively on real estate and litigation topics including the following:
 - Real Estate Law and Ethics, UH extension
 - Rising Tides – Climate Change
 - Advanced Issues in Real Estate Law
 - Boundary Issues and Easement Law
 - Zoning and Land Use Law
 - Boundary Law in Hawaii
 - Risk Management III: Misrepresentation and Non-Disclosure
 - Risk Reduction
 - When You Can't Settle, Try Mediation
 - Hazardous Waste, The Purchasers Point of View
 - Real Estate Broker Liability
 - How Agency Relationships and Disclosure Affect Managing Agents
 - What You Need to Disclose About Leases
 - Current Legal Aspects of Real Estate Law
 - Misrepresentation and Disclosure in Real Estate
 - Real Estate Brokers: Selected Legal Issues
 - Errors and Omissions, Casualty, Liability and Other Insurance for the Attorney
 - Avoid Agency/Sub-Agency Liability
 - Hawaii Land Reform Act: A New Approach
 - Real Estate Litigation: Condemnation
 - Handling the Lawyer's Professional Liability Claim

Honors and Awards

- Certified as a specialist in Civil Trial Advocacy by the National Board of Trial Advocacy
- Certified by the Hawaii Supreme Court as a specialist in Civil Trial Advocacy
- Highest "AV Preeminent" Rating by Martindale-Hubbell®
- Best Lawyers in America®, Best Lawyers® List since 2006
- Hawaii Super Lawyers, "Top 25" List, 2010-2021

Professional Associations and Memberships

- Urban Land Institute
- Hawaii Leeward Planning Conference

Real Estate Development Experience

- Mr. Bays has personally been involved in over 30 real estate projects, both large and small, including ranch, residential, industrial and office building projects. This experience enables Mr. Bays to thoroughly understand all aspects of the development process.

STARN • O'TOOLE • MARCUS & FISHER

A LAW CORPORATION



Director

abb@starnlaw.com

808-537-6100

Education

Stanford Law School

J.D. (1969), *Stanford Law Review*, Board of Editors

University of Southern California, Los Angeles

B.A., Economics, magna cum laude

Areas of Practice:

Complex Commercial Litigation, Real Estate Law and Litigation, Land Use and Zoning Approval and Litigation, Trusts and Estates Litigation, Business Litigation, Legal Malpractice Litigation-Defense

Professional Activities:

Licensed in Hawaii, California (Inactive)

Admitted to practice in the U.S District Court for the District of Hawaii

Admitted to practice in the U.S. Court of Appeals for the Ninth Circuit

Admitted to practice in U.S. Federal Courts

Admitted to practice in the U.S. Supreme Court

Member, National Trial Lawyers

Member Litigation Counsel of America

Hawaii Leeward Planning Conference

Urban Land Institute

Certified Legal Specialties:

Civil Trial Advocacy, Supreme Court of Hawaii

Civil Trial Advocate, National Board of Legal Specialization (National Board of Trial Advocacy)

Presentation/ Articles:

"Non-Compete Agreements in the Sale of a Business"

A. BERNARD BAYS

Hawaii litigation attorney, A. Bernard "Bernie" Bays is a Director of the firm. Mr. Bays has over 50 years of experience and has successfully represented clients in over 150 landmark Hawaii litigation cases.

Mr. Bays focuses his practice in the areas of complex commercial litigation, business litigation, real estate litigation, trusts and estates litigation, legal malpractice law-defendant litigation, real estate law and land use and zoning law.

Mr. Bays is Board Certified in Civil Trial Law by the National Board of Trial Advocacy (NBTA) and in Civil Trial Advocacy by the Supreme Court of Hawaii. Mr. Bays is one of only two Hawaii lawyers who are certified by the NBTA. Mr. Bays has represented clients in all state and federal courts including the Supreme Court of the United States, the Supreme Court of Hawaii, the Ninth Circuit Court of Appeals and all lower courts.

Mr. Bays is a member of the Hawaii State Bar Association's, "Living Legend Lawyers".

Mr. Bays has been recognized by *The Best Lawyers in America*®, as a "Lawyer of the Year" in Honolulu in the practice area of *Legal Malpractice Law-Defendant Litigation (2015)*. He is also recognized by *The Best Lawyers in America*® in the practice areas of Commercial Litigation, Real Estate Litigation, Legal Malpractice Law-Defendants and Trusts and Estates Litigation.

Mr. Bays has also been selected for inclusion to the "Top 25" Hawaii Super Lawyers® list eleven consecutive times since 2010 in the practice area of Business Litigation, and selected to the list since 2008.

Mr. Bays holds *Martindale-Hubbell's*® highest "AV Preeminent" rating given by his legal peers based on his work, reputation and integrity. Mr. Bays has held this distinction for 35 years.

Mr. Bays was a founding partner at a large Hawaii law firm concentrating his practice in complex litigation.

Some examples of Mr. Bays' legal work include:

Represented the Parker Ranch Foundation Trust in defeating a will contest over the \$450M estate of Richard Smart filed by his two sons. The estate included the

225,000 acre Parker Ranch located at Waimea on the Island of Hawaii.

Represented Aloha Tower Associates, the developers of Aloha Tower Marketplace, in a \$710M case against Mitsue Bank and Trust for its misconduct in the development of the Marketplace.

Represented the Makena Beach Partnership of local Maui investors in negotiating and obtaining the appropriations for a \$12.0M sale of their Makena Beach property to the State of Hawaii. Subsequently represented them in obtaining a Judgment against the State of Hawaii for an additional \$5.5M because of fraud by the State.

Represented the Newton family before the State Land Use Commission in reclassifying more than 400 acres of land above Hilo on the Island of Hawaii from Conservation to Agriculture.

Represented Budget Rent A Car in an antitrust case against Hawaiian Airlines.

Represented Oahu Gas Services in an antitrust case against Gasco.

Represented the St. Louis Heights Community in a test case appealing and reducing the real property taxes for hundreds of homeowners.

Represented Hidenori Ito in blocking the \$11M sale of the Gerbode Estate property; which enabled Ito to buy the property for \$10.3M.

Represented homeowner groups before the U.S. Supreme Court in a landmark case upholding the constitutionality of the Hawaii Land Reform Act.

Represented a homeowner group in a test case before the Hawaii Supreme Court upholding the Hawaii Lease Rent Renegotiation Relief Act.

Represented Michael Fuchs, the former Vice Chairman of Time Warner, in a lawsuit regarding the \$18M purchase of an oceanfront development property from Mauna Lani Resort that enabled Fuchs to purchase the property for \$16.5M.

Represented Seibu in defending a case to block the sale of the Makena Resort and Prince Hotel on Maui. The case was dismissed and affirmed on appeal allowing the \$500M sale to proceed.

Represented Forest City as co counsel before the Land Use Commission to obtain approval for a 2,600 unit affordable housing planned community at Kailua-Kona on the Island of Hawaii and in litigation challenging the Land Use Commission approval.

Represented Forest City in land use approval litigation in opposition to the Forest

City planned community brought by the adjoining landowner.

Represented the Aina Lea project in proceedings before the Land Use Commission to have the affordable housing requirement reduced from 60% down to 20% for its 1,900 unit planned community adjacent to the Mauna Lani Resort on the Island of Hawaii.

Represented the Aina Lea project in defending land use approval litigation brought by a nearby community.

Represented developer Jack Myers in a suit against Kaiser Hospital which enabled Myers to purchase the Waikiki Prince Hotel site. Also represented Myers in litigation involving development of the hotel, including the first appellate decision in Hawaii upholding the issuance of a Special Management Area Use Permit.

Represented developer Pankow Associates in a case against Crocker National Bank regarding \$135M in loans secured by 3 large condominium projects which resulted in a reduction of the loan balances to a fraction of the face value.

Represented the St. Louis/Chaminade Community in successfully opposing certain undesirable aspects of a proposed condominium development.

Represented a coalition of North Shore Community groups in successfully blocking a \$1B Ameron rock quarry operation that had been planned for the North Shore.

Represented tens of thousands of single family lessees in purchasing the fee interest in their homes.

Represented thousands of condominium lessees in buying the fee interest in their condos.

Represented the developer of the Kaluakoi Resort Community on Molokai in a test case before the Ninth Circuit Court of Appeals to obtain a water supply for

the resort.

Published Works:

"Business & Economic Reactions to Climate Change - Renewable Energy", TSG 2015

"Insurance Company Reactions to Climate Change", TSG 2015

"Title risks and title Insurance Coverage", NBI 2009

"Constitutional Limitations on Land Use Regulations", NBI 2009

"Challenging a Rezoning Decision", NBI 2009

"Co-Author, Practical Guide to Zoning and Land Use Law", 2009

"How to Avoid and Handle Real Estate Disputes", *The Real Book of Real Estate*, By Robert Kiyosaki, 2009 Vanguard Press

"The Scramble to Protect the American Dream in Paradise: Is Affordable Housing Possible in Hawaii?", 2007

"Hawaii Boundary Law: Critical Issues and Solutions Every Practitioner Needs to Know", 2005

"Advanced Real Estate Purchases & Sales, Agency Duties and Liabilities", 1993, 1994

"Agency Duties & Liabilities: Advanced Conference on Real Estate Purchase and Sales",

1993-1996, 1999

"Boundary Law in Hawaii", 1991, 1994, 1995

"Risk Management III: Misrepresentation and Non-Disclosure", 1991

"Risk Reduction", 1990

"When You Can't Settle, Try Mediation", 1990

"Hazardous Waste, The Purchasers Point of View", 1989

"Real Estate Broker Liability", 1989

"How Agency Relationships and Disclosure Affect Managing Agents", 1989

"What You Need to Disclose About Leases", 1988

"Current Legal Aspects of Real Estate Law", 1986

"Misrepresentation and Disclosure in Real Estate", 1986

"Real Estate Brokers: Selected Legal Issues", 1985

"Errors and Omissions, Casualty, Liability, and Other Insurance for the Attorney", 1984

"Avoid Agency/Sub-Agency Liability", 1984

"Hawaii Land Reform Act: A New Approach", 1984

"Real Estate Litigation: Condemnation", 1984

"Handling the Lawyer's Professional Liability Claim", 1984

STARN · O'TOOLE · MARCUS & FISHER

A L A W C O R P O R A T I O N

Fierce Warriors, Innovative Dealmakers

Starn O'Toole Marcus & Fisher is a leader among Hawaii law firms, recognized for its expertise in real estate law, commercial transactions and complex commercial litigation in Hawaii, the US mainland and internationally. The firm's intellectual power, mental strength and toughness generate winning strategies, strong negotiations and innovative settlements for clients. Above all, the firm's passion for excellence and responsive client service has earned an international reputation for extraordinary client results.

Accolades

AV Preeminent® Rated Firm - Martindale-Hubbell®

**Ranked "Tier 1" among Hawaii law firms, *US News & World Report-Best Lawyers*® "Best Law Firms"
23 Practice Areas**

**36 "Lawyer of the Year" Recognitions - *The Best Lawyers in America*® (2011-2023)
Named in 15 Practice Areas**

**14 Best Lawyers® – *The Best Lawyers in America*®, 6 Selected to "Ones to Watch" List
Named in 36 Practice Areas-102 Recognitions**

**8 Lawyers Selected to the "Top 25" Hawaii Super Lawyers® List
More "Top 25" lawyers than any other Hawaii Law Firm (2011, 2014, 2020, 2021)**

**11 Selected to the Hawaii Super Lawyers®, Super Lawyers® List, 9 Selected to Rising Star List
Business Litigation – Real Estate Law – IP Litigation**

**Lawyer Named "Star" by *Chambers and Partners USA Directory of Leading Lawyers for Business*
Commercial Litigation
Since 2012**

**11 Lawyers Ranked by *Chambers and Partners USA Directory Leading Lawyers for Business*
Business Litigation – Real Estate Law – Corporate/Commercial Law**

**Firm and 2 Lawyers Ranked by *Chambers and Partners High Net Worth Guide*
Private Wealth Law**

**Selected "*Litigation Law Firm of the Year-Hawaii*" – Benchmark Litigation
(2020 - 2022)**

**Lawyer Named "Top 250 Women in Litigation" – Benchmark Litigation
(2011-2014)**

**6 Lawyers Named "Litigation Stars" by *Benchmark Litigation*, Two "Future Stars"
Highly Recommended Law Firm**

**"Lifetime Achievement Award" Recipient by *Pacific Edge Magazine*
"Women Who Mean Business: Award Recipient by *Pacific Business News***

**"Best Places To Work" by *Hawaii Business Magazine*
AV Preeminent® Rating By Martindale-Hubbell®**

Pacific Guardian Center, Makai Tower – 733 Bishop Street, Suite 1900 – Honolulu, HI 96813
Telephone: (808) 537-6100 – Fax: (808) 537-5434 – Website: www.starnlaw.com

STARN · O'TOOLE · MARCUS & FISHER

A L A W C O R P O R A T I O N

*Law Firm Rated AV Preeminent®
17 Lawyers Rated AV Preeminent®*

A. Bernard Bays, Trevor A. Brown, Norman H.Y. Cheng, Doug Chin, Duane R. Fisher,
Andrew J. Lautenbach, Sharon V. Lovejoy, Ivan M. Lui-Kwan, Kenneth B. Marcus, Maile S. Miller,
Christine N. Ohira, Lindsay E. Orman, Terence J. O'Toole, Judith Ann Pavey,
Paul H. Sato, Sara S.T. Strona, Stephanie E.W. Thompson

*US News & World Report - Best Lawyers in America®, "Best Law Firms"
Ranked "Tier 1" in Hawaii in 23 Specialties*

Administrative/Regulatory Law	Legal Malpractice Law-Defendants
Appellate Practice	Leisure & Hospitality Law
Arbitration	Litigation-Banking & Finance
Bet-The Company Litigation	Litigation-Construction
Business Organizations	Land Use & Zoning Litigation
Civil Rights Law	Litigation-Mergers & Acquisitions
Commercial Finance	Litigation-Real Estate
Commercial Litigation	Medical Malpractice Law
Construction Law	Mortgage Banking Foreclosure Law
Corporate Law	Product Liability Litigation
Government Relations Practice	Real Estate Law
Land Use & Zoning Law	

Best Lawyers in America® - "Lawyer of the Year" Honolulu

Lawyer of the Year (2015)	A. Bernard Bays	Legal Malpractice Law-Defendants
Lawyer of the Year (2017)	Trevor A. Brown	Mortgage Banking Foreclosure Law
Lawyer of the Year (2019)	Trevor A. Brown	Closely Held & Family Businesses
Lawyer of the Year (2020, 2023)	Trevor A. Brown	Securities Litigation
Lawyer of the Year (2023)	Doug Chin	Civil Rights Law
Lawyer of the Year (2022)	Trevor A. Brown	Legal Malpractice Law-Defendants
Lawyer of the Year (2015)	Duane R. Fisher	Corporate Law
Lawyer of the Year (2020,2023)	Duane R. Fisher	Business Organizations
Lawyer of the Year (2014, 2022)	Sharon V. Lovejoy	Banking & Finance Litigation
Lawyer of the Year (2015, 2019)	Sharon V. Lovejoy	Mortgage Banking Foreclosure Law
Lawyer of the Year (2020)	Sharon V. Lovejoy	Appellate Practice
Lawyer of the Year (2015, 2018)	Ivan M. Lui-Kwan	Government Relations Practice
Lawyer of the Year (2023)	Ivan M. Lui-Kwan	Government Relations Practice
Lawyer of the Year (2022)	Ivan M. Lui-Kwan	Administrative/Regulatory Law
Lawyer of the Year (2016)	Kenneth B. Marcus	Business Organizations
Lawyer of the Year (2017)	Kenneth B. Marcus	Mergers and Acquisitions Law
Lawyer of the Year (2011, 2019)	Terence J. O'Toole	Bet-The-Company Litigation
Lawyer of the Year (2023)	Terence J. O'Toole	Bet-The-Company Litigation
Lawyer of the Year (2012, 2015)	Terence J. O'Toole	Banking & Finance Litigation
Lawyer of the Year (2014, 2018)	Terence J. O'Toole	Appellate Practice
Lawyer of the Year (2022)	Terence J. O'Toole	Appellate Practice
Lawyer of the Year (2013, 2018)	Judith Ann Pavey	Banking & Finance Litigation
Lawyer of the Year (2023)	Judith Ann Pavey	Banking & Finance Litigation
Lawyer of the Year (2014, 2019)	Judith Ann Pavey	Product Liability Litigation
Lawyer of the Year (2020, 2023)	Judith Ann Pavey	Medical Malpractice Law-Plaintiff

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A L A W C O R P O R A T I O N

Best Lawyers® Recognized Practice Areas

A. Bernard Bays	Commercial Litigation Legal Malpractice Law-Defendants Real Estate Litigation
Trevor A. Brown	Appellate Practice Arbitration Business Organizations Closely Held Companies & Family Businesses Commercial Litigation Commercial Transactions/UCC Law Corporate Law Legal Malpractice Law-Defendants Mortgage Banking Foreclosure Law Product Liability Litigation Real Estate Law Real Estate Litigation Securities Litigation Trusts and Estates Litigation
Norman H.Y. Cheng	Real Estate Law
Douglas S. Chin	Administrative/Regulatory Law Civil Rights Law Commercial Litigation Government Relations Practice
Duane R. Fisher	Business Organizations Construction Law Corporate Law Land Use & Zoning Law Real Estate Law
Andrew J. Lautenbach	Commercial Litigation Construction Litigation Real Estate Litigation
Sharon V. Lovejoy	Appellate Practice Arbitration Banking & Finance Litigation Commercial Litigation Construction Litigation Eminent Domain & Condemnation Law Environmental Litigation Land Use & Zoning Litigation Mass Tort Litigation/Class Actions -Defendants

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Sharon V. Lovejoy	Mass Tort Litigation/Class Actions -Plaintiffs Mortgage Banking Foreclosure Qui Tam Law Real Estate Litigation
Ivan M. Lui-Kwan	Administrative/Regulatory Law Government Relations Practice Real Estate Law
Kenneth B. Marcus	Business Organizations Commercial Finance Law Leisure & Hospitality Law Mergers & Acquisitions Law Real Estate Law
Christina N. Ohira	Business Organizations Land Use & Zoning Law Real Estate Law
Terence J. O'Toole	Appellate Practice Arbitration Banking & Finance Litigation Bet-The-Company Litigation Commercial Litigation Construction Litigation Land Use & Zoning Litigation Mass Tort Litigation/Class Action -Plaintiffs Mergers & Acquisition Litigation Real Estate Litigation
Judith Ann Pavey	Banking & Finance Litigation Commercial Litigation Construction Litigation Medical Malpractice Law Personal Injury Litigation Product Liability Litigation
Paul H. Sato	Commercial Litigation Real Estate Law Real Estate Litigation
Stephanie E.W. Thompson	Appellate Practice Commercial Litigation Real Estate Litigation

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A L A W C O R P O R A T I O N

Best Lawyers®, “Ones to Watch”, *Recognized Practice Areas*

Robert J. Brown	Commercial Litigation Criminal Defense-General Real Estate Litigation
Robert J. Brown	Commercial Litigation Real Estate Litigation
Kukui Claydon	Commercial Litigation Real Estate Litigation
John H. Kelly	Commercial Litigation Intellectual Property Litigation Real Estate Litigation
Maile S. Miller	Commercial Litigation Environmental Litigation Land Use & Zoning Law Real Estate Litigation
Lindsay E. Orman	Business Organizations Corporate Law Eminent Domain & Condemnation Law Government Relations Practice Land Use & Zoning Law Real Estate Law
Sara S.T. Strona	Business Organizations Corporate Law Real Estate Law

“Top 25” Lawyers in Hawaii, Super Lawyers® List

More “Top 25” attorneys than any other Hawaii Law Firm, (2011, 2014, 2020, 2021)

A. Bernard Bays	Business Litigation	2008, 2010-2021
Trevor A. Brown	Business Litigation	2015, 2018-2022
Sharon V. Lovejoy	Business Litigation	2023
Terence J. O’Toole	Business Litigation	2011, 2020
Judith Ann Pavey	Business Litigation	2016
Norman H.Y. Cheng	Real Estate Law	2021-2023
Duane R. Fisher	Real Estate Law	2014, 2020-2023
Kenneth B. Marcus	Real Estate Law	2011, 2012, 2014

Selected to the Hawaii Super Lawyers® List

A. Bernard Bays	Business Litigation
Trevor A. Brown	Business Litigation
Andrew J. Lautenbach	Business Litigation
Sharon V. Lovejoy	Business Litigation
Terence J. O’Toole	Business Litigation
Judith Ann Pavey	Business Litigation

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Stephanie E.W. Thompson	Business Litigation
Robert J. Brown	Business Litigation, Rising Star
Kukui Claydon	Business Litigation, Rising Star
Maile S. Miller	Business Litigation, Rising Star
Eric S. Robinson	Business Litigation, Rising Star
John W. Kelly	IP Litigation, Rising Star
Norman H.Y. Cheng	Real Estate Law
Duane R. Fisher	Real Estate Law
Ivan M. Lui-Kwan	Real Estate Law
Kenneth B. Marcus	Real Estate Law
Lauren K.O. Kagawa	Real Estate Law, Rising Star
Christina N. Ohira	Real Estate Law, Rising Star
Lindsay E. Orman	Real Estate Law, Rising Star
Sara S.T. Strona	Real Estate Law, Rising Star

Chambers and Partners USA Leading Lawyers For Business

Litigation, Firm, Band "1"

Real Estate Law, Firm, Band "2"

Corporate Commercial, Firm, Band "2"

"Star", Chambers and Partners USA Leading Lawyers for Business

Terence J. O'Toole	Litigation/General Commercial
<i>Recognized Each Consecutive Year Since 2012</i>	

Recognized by Chambers and Partners USA Leading Lawyers For Business

Kenneth B. Marcus	Corporate Commercial, Band 2
Duane R. Fisher	Corporate Commercial, Band 2
Terence J. O'Toole	Litigation/Commercial, Star
Sharon V. Lovejoy	Litigation/Commercial, Band 1
Stephanie E.W. Thompson	Litigation Commercial, Band 2
Trevor A. Brown	Litigation/Commercial, Band 3
Andrew J. Lautenbach	Litigation Commercial, Band 3
Judith Ann Pavey	Litigation Commercial, Band 3
Doug Chin	Litigation Commercial, Band 3
Kenneth B. Marcus	Real Estate, Band 1
Duane R. Fisher	Real Estate, Band 2
Norman H.Y. Cheng	Real Estate, Band 3
Trevor A. Brown	Real Estate, Band 3
Lindsay E. Orman	Real Estate, Up and Coming

Recognized by Chambers and Partners High Net Worth Guide

Private Wealth Law, Firm, Band "2"

Trevor A. Brown	Private Wealth Law, Band 2
Christina N. Ohira	Private Wealth Law, Band

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“Top 250 Women in Litigation in the United States”, Benchmark Litigation, (2011-2014)

Sharon V. Lovejoy

Litigation Star

Benchmark Litigation

Selected “Litigation Law Firm of the Year-Hawaii” – Benchmark Litigation

Highly Recommended Firm

(2020 - 2022)

Trevor A. Brown

Litigation Star

Doug Chin

Litigation Star

Andrew J. Lautenbach

Litigation Star

Sharon V. Lovejoy

Litigation Star

Terence J. O’Toole

Litigation Star

Judith Ann Pavey

Litigation Star

Stephanie E.W. Thompson

Future Star

Maile S. Miller

Future Star

2014 “Lifetime Achievement Award” Pacific Edge Magazine

Ivan M. Lui-Kwan

“Women Who Mean Business”, Pacific Business News (2018)

Sharon V. Lovejoy

“Best Places To Work” by Hawaii Business Magazine

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A L A W C O R P O R A T I O N

FIRM OVERVIEW

Starn O'Toole Marcus & Fisher is a leader among Hawaii real estate and business law firms, recognized for its expertise in real estate law, commercial transactions and complex commercial litigation in Hawaii, the US mainland and internationally.

Firm transactional and litigation attorneys often join forces in complex commercial matters that require both business law and litigation experience. The firm's intellectual power and mental strength and toughness generate winning strategies, strong negotiations and innovative settlements for clients. Above all, the firm's attorneys have a passion for excellence and responsive client service, earning the firm an international reputation for extraordinary client results.

Starn O'Toole Marcus & Fisher's senior partners bring impressive depth in both years of practice and a skill level earned from working complex and nuanced cases for many years. Six senior partners have practiced over 45 years and remain actively involved in their legal practice.

US News & World Report - Best Lawyers in America®, "Best Law Firms"
Ranked "Tier 1" in Hawaii in 23 Specialties

Administrative/Regulatory Law	Legal Malpractice Law-Defendants
Appellate Practice	Leisure & Hospitality Law
Arbitration	Litigation-Banking & Finance
Bet-The Company Litigation	Litigation-Construction
Business Organizations	Land Use & Zoning Litigation
Civil Rights Law	Litigation-Mergers & Acquisitions
Commercial Finance	Litigation-Real Estate
Commercial Litigation	Medical Malpractice Law
Construction Law	Mortgage Banking Foreclosure Law
Corporate Law	Product Liability Litigation
Government Relations Practice	Real Estate Law
Land Use & Zoning Law	

Starn O'Toole Marcus & Fisher has earned *Martindale-Hubbell's*® highest AV Preeminent® rating, given by our legal peers for achieving the highest standards of professional ethics, excellence and legal ability. Our litigation attorneys and transactional team have been selected to the "Top 25", Hawaii *Super Lawyers*® list in the practice areas of business litigation and real estate law.

Firm attorneys have earned 36 recognitions as *The Best Lawyers in America*®, "Lawyers of the Year" in Honolulu (2011-2023), in both transactional and litigation practice areas.

Our firm is ranked "Tier 1" in Hawaii in 23 specialties by *US News & World Report-Best Lawyers in America*® "Best Law Firms". The firm has been selected for inclusion each year since the accolade's inception in 2010.

The firm is *Benchmark Litigation's* "Hawaii Litigation Firm of the Year" for 2020 - 2022, and a "Highly Recommended" law firm since 2011.

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A L A W C O R P O R A T I O N

A LITIGATION POWERHOUSE

Starn O'Toole Marcus & Fisher's litigation powerhouse has extensive experience, including significant jury and non-jury trial work, in complex commercial litigation encompassing business, corporate, contract and accounting issues related to Hawaii real estate development, corporate ownership and management, the hotel and hospitality industry, environmental matters, construction claims, lender liability, class actions and personal injury matters.

Our respected team of litigation attorneys have trial expertise before State and Federal courts in Hawaii and the US mainland, including the US Supreme Court, and has served as litigation general counsel before courts in foreign jurisdictions.

When clients are faced with complex commercial issues concerning matters in Hawaii and beyond, the firm's attorneys are amongst a handful of select "go-to" lawyers.

OUR TRIAL APPROACH & ATTORNEYS

Victory in the legal environment means triumph: economic satisfaction, a win-win agreement, or sometimes, just being proclaimed right.

The importance of the path to victory—strategies, players, and desired outcomes — make the selection of the legal trial team critical for success. The job is to design a road map that considers each twist and turn that may be presented. The experience and intellectual brainpower of the client's trial attorneys often accounts for the outcome of litigation by crafting each strategic move on the battlefield along the way.

Starn O'Toole Marcus & Fisher's litigation attorneys take the fight for every client as if it were their own battle. To be responsible and involved is a hallmark of the law firm, which is built on the power of its people.

The firm is *Benchmark Litigation's* "Hawaii Litigation Firm of the Year" for 2020 - 2022, and a "Highly Recommended" law firm since 2011.

The firm's litigation attorneys are recognized by *The Best Lawyers in America*®, *Chambers and Partners USA Directory of Leading Lawyers for Business*, *The Bar Register of Preeminent Lawyers*™, selected to *Hawaii Super Lawyers*® list, *Benchmark Litigation* and *Martindale-Hubbell*®.

Starn O'Toole Marcus & Fisher is rated AV Preeminent®, *Martindale-Hubbell's*® highest possible rating, given to us by our legal peers for achieving very high ethical standards and professional ability.

Directors & Counsel

A. Bernard Bays has been named a "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® and selected to the "Top 25," *Hawaii Super Lawyers*® list. Board Certified as a Civil Trial Advocate by the National Board of Trial Advocacy (NBTA) and the Supreme Court of Hawaii. Mr. Bays is one of only a handful of Hawaii lawyers who are certified by the NBTA.

Trevor A. Brown has been recognized by *The Best Lawyers in America*® in fourteen litigation and transactional categories, named "Lawyer of the Year" in Honolulu multiple times and is in *Chambers and Partners USA Leading Lawyers for Business* and *Chambers and Partners High Net Worth Guide*. Mr. Brown has been selected to the "Top 25" *Hawaii Super Lawyers*® list, named a "Litigation Star" by *Benchmark Litigation*, and has served as Chair of the Litigation Section of the Hawaii State Bar Association.

Doug Chin has been named to *The Best Lawyers in America*® list, named "Lawyer of the Year" in Honolulu, is in *Chambers and Partners USA Leading Lawyers for Business*, named a "Litigation Star" by *Benchmark Litigation*, and is rated AV Preeminent, *Martindale-Hubbell's*® highest rating possible, for his skill and integrity. Mr. Chin

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focuses his practice on commercial litigation, administrative law and government relations. Mr. Chin served as Hawaii Attorney General, appointed by Governor David Ige.

Kukui Claydon has been selected to *The Best Lawyers in America*®[©], *Ones to Watch* list, and selected to the Hawaii *Super Lawyers*®, "Rising Star" list each year since 2018. Ms. Claydon focuses her practice in the area of commercial litigation. Ms. Claydon is admitted to the Hawaii Bar, and earned her Juris Doctor from Georgetown University Law Center, graduating with honors.

Andrew J. Lautenbach has been named to *The Best Lawyers in America*® list, selected to the Hawaii *Super Lawyers*® list, is in *Chambers and Partners USA Leading Lawyers for Business* and named a "Litigation Star" by *Benchmark Litigation*. Mr. Lautenbach is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for his skill and integrity, and serves as a Director on the Board of the Hawaii Chapter of the Federal Bar Association.

Sharon V. Lovejoy has been selected for inclusion by *Benchmark Litigation's* "Top 250 Women in Litigation in the United States"(2011-14) and *Pacific Business News' 2018 "Women Who Mean Business"*. Ms. Lovejoy has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*®, multiple times, selected to the "Top 25" Hawaii *Super Lawyers*® list in *Chambers and Partners USA Leading Lawyers for Business*, named a "Litigation Star" by *Benchmark Litigation*, is a Senior Fellow of the Litigation Counsel of America and is a Fellow of the Federal Bar Foundation.

Maile S. Miller Since 2018, Ms. Miller has been selected to *The Best Lawyers in America*®, *Ones to Watch* list, and the Hawaii *Super Lawyers*®, "Rising Star" list each year. She has also been named a "Future Star" by *Benchmark Litigation* and is rated AV Preeminent® by *Martindale-Hubbell*®. Ms. Miller represents a variety of clients in litigation and pre-litigation matters. Ms. Miller is admitted to the Hawaii Bar, and earned her Juris Doctor from the University of Hawaii, William S. Richardson School of Law.

Terence J. O'Toole has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® multiple times, selected to the "Top 25," Hawaii *Super Lawyers*® list, named a "Star" by *Chambers and Partners USA Directory of Leading Lawyers for Business* and named a "Litigation Star" by *Benchmark Litigation*.

Judith Ann Pavey has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® multiple times, selected to the "Top 25" Hawaii *Super Lawyers*® list, in *Chambers and Partners USA Leading Lawyers for Business*, and a "Litigation Star" by *Benchmark Litigation*. Ms. Pavey is a member of the American Board of Trial Lawyers, American Association of Justice and the American Inns of Court. Ms. Pavey practices and is recognized for her work in both commercial and personal injury litigation matters.

Paul H. Sato has been named to *The Best Lawyers in America*® list. Mr. Sato is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible, for his skill and integrity. He is a seasoned litigation attorney who has over 40 years of experience and focuses on commercial litigation, real estate law, corporate law and administrative law.

Stephanie E.W. Thompson has been named to *The Best Lawyers in America*® list, selected to Hawaii *Super Lawyers*® list, in *Chambers and Partners USA Leading Lawyers for Business* and named a "Future Star" by *Benchmark Litigation*. Ms. Thompson is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for skill and integrity, and served as the 2015 Chairperson of the Litigation Section of the Hawaii State Bar Association.

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A L A W C O R P O R A T I O N

BUSINESS FOCUSED REAL ESTATE ATTORNEYS

Starn O'Toole Marcus & Fisher's real estate and business law attorneys are known for sophisticated case analysis and innovative business solutions for complex matters. Our attorneys have significant experience in real estate development and transactions, hotels, hotel management agreements, corporate finance, international transactions, secured transactions, mergers and acquisitions, construction law and complex commercial matters, in Hawaii, the US and internationally.

The firm's impressive skill and experience in strategic case planning, ingenious solutions and powerful negotiations in all aspects of complex real estate transactions has opened many doors for domestic and international clients, and have helped many navigate Hawaii's complex land use and permitting laws.

OUR TRANSACTIONAL APPROACH AND ATTORNEYS

Starn O'Toole Marcus & Fisher transactional attorneys have an innate talent for critical thinking through each complex commercial matter. What's more, they excel in solving the pieces of a puzzle, examining the players, unraveling the details of agreements and handshake deals, to identify the keys that will give the client the clear advantage.

In today's complex competitive environment, firm transactional attorneys shine when approaching the deal table. Strong, experienced and prepared for endless possible moves and counter-moves, firm attorneys drive for exceptional results for every client whether they are a family owned business or an international corporation.

Our transactional attorneys are recognized by *The Best Lawyers in America*®, *Chambers and Partners USA Directory of Leading Lawyers for Business*, *The Bar Register of Preeminent Lawyers*™ and selected to the Hawaii *Super Lawyers*® list.

All Starn O'Toole Marcus & Fisher transactional Directors are rated AV Preeminent®, the highest rating possible given by *Martindale-Hubbell*®, a distinction given by our legal peers for achieving the highest standards for professional skill, ethics and integrity.

Directors

Trevor A. Brown is recognized by *The Best Lawyers in America*® for both business and litigation matters, named by *The Best Lawyers in America*®, "Lawyer of the Year" in Honolulu multiple times, selected to the "Top 25" Hawaii *Super Lawyers*® list, is in *Chambers and Partners USA Leading Lawyers for Business* and *Chambers and Partners High Net Worth Guide* and named a "Litigation Star" by *Benchmark Litigation*. Mr. Brown is often called upon to work on client matters that require business and litigation strategy.

Norman H.Y. Cheng is Managing Director of the firm. Mr. Cheng has been named to *The Best Lawyers in America*® list, selected to the "Top 25" Hawaii *Super Lawyers*® list, is in *Chambers and Partners USA Directory of Leading Lawyers for Business*. Mr. Cheng is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for his skill and integrity. He practices in the area of real estate law, and participates on many non-profit boards.

Duane R. Fisher has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*®, selected to the "Top 25" Hawaii *Super Lawyers*® list, in *Chambers and Partners USA Directory of Leading Lawyers for Business* and is recognized for his expertise in real estate, corporate and construction law.

Ivan M. Lui-Kwan has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® and selected to the Hawaii *Super Lawyers*® list. Mr. Lui-Kwan is rated AV Preeminent® by *Martindale-Hubbell*®, is

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the Ambassador to the US for the Maori King Tuheitia, and National Board Member of The American Judicature Society.

Kenneth B. Marcus has been named “Lawyer of the Year” in Honolulu by *The Best Lawyers in America*®, selected to the “Top 25” Hawaii *Super Lawyers*® list, in *Chambers and Partners USA Directory of Leading Lawyers for Business* and is a member of the International Society of Hospitality Consultants (ISHC). Mr. Marcus has structured numerous successful hotel management agreements and authored the Hawaii State Bar Association Real Estate Manual chapter.

Christina N. Ohira has been named to *The Best Lawyers in America*® list and selected to the Hawaii *Super Lawyers*® Rising Star list. Ms. Ohira concentrates her practice in the areas of real estate and commercial transactions, and has received Martindale-Hubbell's® highest possible “AV Preeminent®” rating for her legal skill and integrity.

Lindsay E. Orman has been named to *The Best Lawyers in America*®: *Ones to Watch* list, *Chambers and Partners USA Leading Lawyers for Business*, Hawaii *Super Lawyers*® Rising Star list, and is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for her skill and integrity. Ms. Orman focuses her practice in areas of real estate and land use law, business law, and legislative and government relations work. Ms. Orman served as a law clerk to Chief Judge Emily Hewitt in the United States Court of Federal Claims in Washington, DC. She is admitted to the Hawaii Bar and earned her Juris Doctor from The George Washington University Law School, graduating with “High Honors.”

Sara S.T. Strona has been named to *The Best Lawyers in America*®: *Ones to Watch* list, selected to the Hawaii *Super Lawyers*® “Rising Star” list, and is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for her skill and integrity. Ms. Strona focuses her practice in the areas of real estate, commercial transactions, and business structure and operations. She is admitted to the Hawaii Bar and earned her Juris Doctor and Master of Business Administration from the University of Hawaii William S. Richardson School of Law and Shidler College of Business.

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A LAW CORPORATION

June 20, 2023

Elizabeth A. Strance
Corporation Counsel
County of Hawaii
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720
Email: corpccounsel@hawaiiicounty.gov

RE: Statement of Qualification and Expression of Interest
Andrew J. Lautenbach, Esq.
CC.13) Attorney/Law – General defense in civil matters
CC.13) Attorney/Law – Class Actions
CC.17) Attorney/Law – Construction Litigation

These are responses to Questions 1-5 of my Statement of Qualifications and Expression of Interest.

1. The name of the person, contact information including email address, the principal place of business, and location of all of its offices.

Name of Person: Andrew J. Lautenbach, Esq.

Contact Information: 808-537-6100

Email Address: alautenbach@starnlaw.com

Website: www.starnlaw.com

Principal Place of Business: Starn O'Toole Marcus & Fisher, 733 Bishop Street, Ste 1900,
Honolulu, Hawaii 96813

Location of all of its Offices: Honolulu, Hawaii

2. The age of the firm and its average number of employees over the past five years:

Starn O'Toole Marcus and Fisher is 29 years old with an average of 40 employees.

3. The education, training, and qualifications of the individual, or if a firm, its key employees in accordance with HRS 103D-304 and/or the professional and scientific occupation series contained in the United States Office of Personnel Management's Qualifications Standards Handbook.

Mr. Lautenbach graduated from the University of San Francisco, School of Law located in San Francisco, California in 2005 with a J.D. After graduation, Mr. Lautenbach worked with Bradley, Curley, Asiano, Barrabee, Abel & Kowalski in San Francisco from 2005 to July 2007.

In 2007, after relocating to Hawaii, Mr. Lautenbach joined the Starn O'Toole Marcus & Fisher Law Firm and is currently a Director who has earned a reputation for taking an aggressive yet practical approach when representing clients in complex matters. Mr. Lautenbach has extensive experience in complex litigation matters, including numerous jury trials, bench trials, and high stakes arbitrations. Mr. Lautenbach recently served as a lawyer representative to the Ninth Circuit Court of Appeals on behalf of the United States District Court for the District of Hawaii, and is a former member of the Board of the Hawaii chapter of the Federal Bar Association.

Mr. Lautenbach is a member of the bar of the State of Hawaii and the State of California (inactive). He is admitted to the United States District Court for the Northern District of California, the United States District Court for the District of Hawaii, and the United States Court of Appeals for the Ninth Circuit.

Mr. Lautenbach has over 18 years of experience in complex commercial litigation and holds *Martindale-Hubbell's*® highest possible professional rating *AV*®. He has been selected to the *Hawaii Super Lawyers*® list each year since 2016, and was selected to the *Hawaii Super Lawyers*® list as a "Rising Star" in the area of business litigation from 2013-2015. Mr. Lautenbach has also been selected for inclusion to *The Best Lawyers in America*®, Hawaii list, Real Estate, Construction Litigation and Commercial Litigation, and as a "Litigation Star" *Benchmark Litigation*. Mr. Lautenbach is recognized by *Chambers and Partners USA Leading Lawyers for Business* in the practice area of Commercial Litigation.

Notable matters that Mr. Lautenbach has handled include:

- *Purchasers of Units at the Kapalua Bay Resort (fka The Ritz-Carlton Club & Residences at Kapalua Bay)* -- Represented the purchasers of 49 whole ownership and fractional condominiums in three separate litigation matters alleging misrepresentations and unfair and deceptive acts and practices in the sale of units in the luxury condominium development formerly known as The Ritz-Carlton Club & Residences at Kapalua Bay. This matter involved several layers of appeals related to whether the claims were subject to a mandatory arbitration provision, or if they should proceed to a jury trial. This issue was initially resolved in favor of the purchasers by the Hawaii Supreme Court. The United States Supreme Court then vacated the Hawaii Supreme Court's decision and ordered the Hawaii Supreme Court to reconsider in light of recent decisions of the United

States Supreme Court. The Hawaii Supreme Court thereafter issued a second published opinion resolving the appeal in favor of the purchasers, and the United States Supreme Court subsequently denied *certiorari*. The matters were remanded to the Circuit Court of the Second Circuit, State of Hawaii, for multiple jury trials, and were subsequently resolved.

- *Roberts, et al. v. Red Hill 1250, Inc., et al.*-- Represented the developer of Hokuli'a, a luxury subdivision development on the Kona coast of the island of Hawaii, in a dispute related to the sale of multiple residential lots. Following completion of a world-class golf course and infrastructure in the first phase of the development, the Hokuli'a project stalled as a result of the recession that plagued the world economy beginning in 2008. Each of the claimants had purchased a residential lot in Hokuli'a prior to the manifestation of the full effect of the economic downturn. When portions of the project were subsequently delayed or not completed, the claimants asserted claims seeking rescission of their purchase contracts, and punitive and/or treble damages. Following a multi-week arbitration, all claims that had not previously been disposed of by way of summary judgment or settlement were resolved in favor of Mr. Lautenbach's clients by the three-member arbitration panel.
- *Du Preez v. Banis, et al.*-- Represented the estate of deceased casino magnate, William N. Pennington, in a breach of contract and promissory estoppel claim by a former service provider that sought damages in excess of \$1.2 million. Following a one-week jury trial in the United States District Court for the District of Hawaii, a unanimous jury verdict was entered in favor of the clients on all issues, and attorneys' fees and costs were awarded in favor of the clients.
- *Lahaina Fashions v. Bank of Hawaii* -- Represented Bank of Hawaii and its affiliates in a jury trial that concerned allegations of fraud, interference, and civil conspiracy related to the sale of a commercial property, where the plaintiff sought damages in excess of twenty-million dollars. Following six-weeks of trial, the Maui jury returned a verdict in favor of the Bank on all counts, and judgment was entered accordingly. The Hawaii Intermediate Court of Appeals issued an order affirming the judgment in the Bank's favor, and, following oral argument, the Hawaii Supreme Court has published a unanimous opinion, again affirming the judgment in the Bank's favor on all counts.
- *Ko Olina Development, LLC v. Centex Homes* -- Represented the master developer of the Ko Olina Resort in a dispute concerning its contractual right to purchase certain commercial apartments and to control certain limited common element areas within the Beach Villas at Ko Olina condominium project. Following a bench trial, the United States District Court for the District of Hawaii confirmed and enforced Ko Olina Development's right to purchase the commercial apartments, but allowed Centex Homes to transfer control over the limited common element areas to the Association of Apartment Owners. The trial court's judgment was affirmed by the Ninth Circuit.

- *Ariyoshi v. Equinix, Inc.* – Represented officers and directors of a private company in suit by common shareholders alleging they were improperly "frozen out" by board, management and venture investors. The matter was dismissed with prejudice and attorneys' fees were awarded to the client. The matter was later settled.
- *Ko Olina Development, LLC v. AOAO* – Represented Ko Olina Development, as the owner of commercial apartments within the Beach Villas at Ko Olina Condominium Development, in arbitration against the Association of Apartment Owners concerning Ko Olina Development's right to use the commercial apartments for commercial purposes open to the general public. The arbitrator ruled in favor of the client and awarded attorneys' fees. The judgment was confirmed and enforced.
- *Resort Management Company, LLC v. AOAO* – Represented resort manager in dispute with an Association of Apartment Owners concerning, among other things, the AOAO's failure to make payments to the resort manager and allegations of mismanagement. The matter was settled.
- *Trump International Hotel and Tower® at Waikiki Beach Walk®* -- Successfully represented the developer of the Trump International Hotel and Tower® at Waikiki Beach Walk® in numerous disputes related to the sale of condominium units within that development.
- *Lender litigation* – As approved litigation counsel for MetLife Bank, Bank of America, First Tennessee Bank, and Nationstar Mortgage, Mr. Lautenbach has successfully defended numerous lender liability claims.

4. A list of recent projects and the names of up to five clients who may be contacted, including at least two of whom services were rendered during the preceding year.

Representative cases are discussed below.

i. *AvantStay, Inc. v. AOAO Beach Villas, et al*, First Circuit Court, State of Hawaii. From February 2023 to the present I have represented AvantStay, Inc. in litigation against the Association of Apartment Owners of a luxury beachfront condominium property (the "Project"), related to the AOAO's tortious interference with AvantStay's contractual relationships with its clients and guests at the Project, and the harm that AOAO and one individual member of the AOAO Board of Directors have caused to AvantStay's business at the Project.

ii. *Atlas Insurance v. Curtis Nishiyama*, First Circuit Court, State of Hawaii. In litigation initiated in November of 2022, I am defending Mr. Curtis Nishiyama against claims made by his previous employer, Atlas Insurance, based on an alleged breach of a non-solicitation

and non-compete agreement entered into in connection with the sale of his company to Atlas Insurance.

iii. *Swan, et al v. Tanjuakio, et al*, In the United States District Court for the District of Hawaii. From 2021 through March of 2023, I represented Plaintiffs Elisabeth Swan and Tracy O'Rourke in litigation alleging that their partner in a multi-million-dollar business venture had engaged in self-dealing and had breached his fiduciary obligations. All claims were recently settled.

iv. *Hawaii Life Real Estate Services, LLC v. Justin Britt*, First Circuit Court, State of Hawaii. From 2017 to the present I have represented Hawaii Life Real Estate Services, LLC, in litigation seeking to expel one of the original members of the company based on breaches of fiduciary obligations and self-dealing. We have successfully obtained a summary judgment order expelling the defendant as a member of the company, and obtained a favorable valuation opinion following a bench trial to determine the fair value of the expelled business member's interest in the company. The company's claims for damages remain to be tried to a jury.

v. *Kaiser Foundation Health Plan, Inc. v. Hawaii Life Flight Corporation, et al.*, United States District Court for the District of Hawaii. From 2016 to 2018, I represented Hawaii Life Flight Corporation, and its affiliates, in claims against Kaiser Foundation Health Plan, Inc. related to Kaiser Foundation Health Plan's failure to pay amounts owed for certain services provided by Hawaii Life Flight to Kaiser patients, and various related issues. All claims were ultimately settled.

vii. *American Electric Co. vs. Parsons RCI, Inc., et al*, United States District Court for the District of Hawaii. From 2014-2015, I represented Covanta Energy Corporation and related entity Covanta Honolulu Resource Recovery Venture in a multi-party consolidated lawsuit in federal court arising out of the \$300 million plus H-Power Third Boiler Expansion construction project, owned by the City and County of Honolulu and operated by Covanta Honolulu Resource Recovery Venture. The electrical sub-contractor for the project asserted claims against the general contractor for over \$12 million, based on theories including breach of contract and unjust enrichment. Covanta asserted claims against the general contractor for declaratory relief, liquidated damages (of approximately \$5 million), defense and indemnification, and breach of contract. The general contractor asserted claims against Covanta for breach of contract and unjust enrichment, based on the subcontractor's claims (under a pass-through theory) and outstanding change order requests of approximately \$4.5 million between the general contractor and Covanta, as well as a claim for indemnification/contribution. The general contractor also asserted a claim against the subcontractor for contribution if the general contractor was found liable to Covanta. The matter was globally settled on the eve of trial.

Client Contacts:

Beach Villa Realty LLC	<u>Michaelh.beachvillas@gmail.com</u>	Commercial Litigation
Hawaii Life Real Estate Services	<u>matt@hawaiilife.com</u>	Commercial Litigation
Miller Shea LLC	<u>patrick@millershealaw.com</u>	Construction Law
Curtis Nishiyama	<u>curstisn@nogins.com</u>	Commercial Litigation
Elisabeth Swan	<u>elisabeth@jitcafe.com</u>	Commercial Litigation

Thank you for your consideration.

Sincerely,

STARN O'TOOLE MARCUS & FISHER

By: 
ANDREW J. LAUTENBACH

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A L A W C O R P O R A T I O N

Fierce Warriors, Innovative Dealmakers

Starn O'Toole Marcus & Fisher is a leader among Hawaii law firms, recognized for its expertise in real estate law, commercial transactions and complex commercial litigation in Hawaii, the US mainland and internationally. The firm's intellectual power, mental strength and toughness generate winning strategies, strong negotiations and innovative settlements for clients. Above all, the firm's passion for excellence and responsive client service has earned an international reputation for extraordinary client results.

Accolades

AV Preeminent® Rated Firm - Martindale-Hubbell®

**Ranked "Tier 1" among Hawaii law firms, *US News & World Report-Best Lawyers*® "Best Law Firms"
23 Practice Areas**

**36 "Lawyer of the Year" Recognitions - *The Best Lawyers in America*® (2011-2023)
Named in 15 Practice Areas**

**14 Best Lawyers® – *The Best Lawyers in America*®, 6 Selected to "Ones to Watch" List
Named in 36 Practice Areas-102 Recognitions**

**8 Lawyers Selected to the "Top 25" Hawaii Super Lawyers® List
More "Top 25" lawyers than any other Hawaii Law Firm (2011, 2014, 2020, 2021)**

**11 Selected to the Hawaii Super Lawyers®, Super Lawyers® List, 9 Selected to Rising Star List
Business Litigation – Real Estate Law – IP Litigation**

**Lawyer Named "Star" by *Chambers and Partners USA Directory of Leading Lawyers for Business*
Commercial Litigation
Since 2012**

**11 Lawyers Ranked by *Chambers and Partners USA Directory Leading Lawyers for Business*
Business Litigation – Real Estate Law – Corporate/Commercial Law**

**Firm and 2 Lawyers Ranked by *Chambers and Partners High Net Worth Guide*
Private Wealth Law**

**Selected "*Litigation Law Firm of the Year-Hawaii*" – Benchmark Litigation
(2020 - 2022)**

**Lawyer Named "Top 250 Women in Litigation" – Benchmark Litigation
(2011-2014)**

**6 Lawyers Named "Litigation Stars" by *Benchmark Litigation*, Two "Future Stars"
Highly Recommended Law Firm**

**"Lifetime Achievement Award" Recipient by *Pacific Edge Magazine*
"Women Who Mean Business: Award Recipient by *Pacific Business News***

**"Best Places To Work" by *Hawaii Business Magazine*
AV Preeminent® Rating By Martindale-Hubbell®**

Pacific Guardian Center, Makai Tower – 733 Bishop Street, Suite 1900 – Honolulu, HI 96813
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A L A W C O R P O R A T I O N

Law Firm Rated AV Preeminent®
17 Lawyers Rated AV Preeminent®

A. Bernard Bays, Trevor A. Brown, Norman H.Y. Cheng, Doug Chin, Duane R. Fisher,
Andrew J. Lautenbach, Sharon V. Lovejoy, Ivan M. Lui-Kwan, Kenneth B. Marcus, Maile S. Miller,
Christine N. Ohira, Lindsay E. Orman, Terence J. O'Toole, Judith Ann Pavey,
Paul H. Sato, Sara S.T. Strona, Stephanie E.W. Thompson

US News & World Report - Best Lawyers in America®, ***"Best Law Firms"***
Ranked "Tier 1" in Hawaii in 23 Specialties

Administrative/Regulatory Law	Legal Malpractice Law-Defendants
Appellate Practice	Leisure & Hospitality Law
Arbitration	Litigation-Banking & Finance
Bet-The Company Litigation	Litigation-Construction
Business Organizations	Land Use & Zoning Litigation
Civil Rights Law	Litigation-Mergers & Acquisitions
Commercial Finance	Litigation-Real Estate
Commercial Litigation	Medical Malpractice Law
Construction Law	Mortgage Banking Foreclosure Law
Corporate Law	Product Liability Litigation
Government Relations Practice	Real Estate Law
Land Use & Zoning Law	

Best Lawyers in America® - "Lawyer of the Year" Honolulu

Lawyer of the Year (2015)	A. Bernard Bays	Legal Malpractice Law-Defendants
Lawyer of the Year (2017)	Trevor A. Brown	Mortgage Banking Foreclosure Law
Lawyer of the Year (2019)	Trevor A. Brown	Closely Held & Family Businesses
Lawyer of the Year (2020, 2023)	Trevor A. Brown	Securities Litigation
Lawyer of the Year (2023)	Doug Chin	Civil Rights Law
Lawyer of the Year (2022)	Trevor A. Brown	Legal Malpractice Law-Defendants
Lawyer of the Year (2015)	Duane R. Fisher	Corporate Law
Lawyer of the Year (2020,2023)	Duane R. Fisher	Business Organizations
Lawyer of the Year (2014, 2022)	Sharon V. Lovejoy	Banking & Finance Litigation
Lawyer of the Year (2015, 2019)	Sharon V. Lovejoy	Mortgage Banking Foreclosure Law
Lawyer of the Year (2020)	Sharon V. Lovejoy	Appellate Practice
Lawyer of the Year (2015, 2018)	Ivan M. Lui-Kwan	Government Relations Practice
Lawyer of the Year (2023)	Ivan M. Lui-Kwan	Government Relations Practice
Lawyer of the Year (2022)	Ivan M. Lui-Kwan	Administrative/Regulatory Law
Lawyer of the Year (2016)	Kenneth B. Marcus	Business Organizations
Lawyer of the Year (2017)	Kenneth B. Marcus	Mergers and Acquisitions Law
Lawyer of the Year (2011, 2019)	Terence J. O'Toole	Bet-The-Company Litigation
Lawyer of the Year (2023)	Terence J. O'Toole	Bet-The-Company Litigation
Lawyer of the Year (2012, 2015)	Terence J. O'Toole	Banking & Finance Litigation
Lawyer of the Year (2014, 2018)	Terence J. O'Toole	Appellate Practice
Lawyer of the Year (2022)	Terence J. O'Toole	Appellate Practice
Lawyer of the Year (2013, 2018)	Judith Ann Pavey	Banking & Finance Litigation
Lawyer of the Year (2023)	Judith Ann Pavey	Banking & Finance Litigation
Lawyer of the Year (2014, 2019)	Judith Ann Pavey	Product Liability Litigation
Lawyer of the Year (2020, 2023)	Judith Ann Pavey	Medical Malpractice Law-Plaintiff

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A LAW CORPORATION

Best Lawyers® Recognized Practice Areas

A. Bernard Bays

Commercial Litigation
Legal Malpractice Law-Defendants
Real Estate Litigation

Trevor A. Brown

Appellate Practice
Arbitration
Business Organizations
Closely Held Companies &
Family Businesses
Commercial Litigation
Commercial Transactions/UCC Law
Corporate Law
Legal Malpractice Law-Defendants
Mortgage Banking Foreclosure Law
Product Liability Litigation
Real Estate Law
Real Estate Litigation
Securities Litigation
Trusts and Estates Litigation

Norman H.Y. Cheng

Real Estate Law

Douglas S. Chin

Administrative/Regulatory Law
Civil Rights Law
Commercial Litigation
Government Relations Practice

Duane R. Fisher

Business Organizations
Construction Law
Corporate Law
Land Use & Zoning Law
Real Estate Law

Andrew J. Lautenbach

Commercial Litigation
Construction Litigation
Real Estate Litigation

Sharon V. Lovejoy

Appellate Practice
Arbitration
Banking & Finance Litigation
Commercial Litigation
Construction Litigation
Eminent Domain & Condemnation Law
Environmental Litigation
Land Use & Zoning Litigation
Mass Tort Litigation/Class Actions
-Defendants

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A L A W C O R P O R A T I O N

Sharon V. Lovejoy	Mass Tort Litigation/Class Actions -Plaintiffs Mortgage Banking Foreclosure Qui Tam Law Real Estate Litigation
Ivan M. Lui-Kwan	Administrative/Regulatory Law Government Relations Practice Real Estate Law
Kenneth B. Marcus	Business Organizations Commercial Finance Law Leisure & Hospitality Law Mergers & Acquisitions Law Real Estate Law
Christina N. Ohira	Business Organizations Land Use & Zoning Law Real Estate Law
Terence J. O'Toole	Appellate Practice Arbitration Banking & Finance Litigation Bet-The-Company Litigation Commercial Litigation Construction Litigation Land Use & Zoning Litigation Mass Tort Litigation/Class Action -Plaintiffs Mergers & Acquisition Litigation Real Estate Litigation
Judith Ann Pavey	Banking & Finance Litigation Commercial Litigation Construction Litigation Medical Malpractice Law Personal Injury Litigation Product Liability Litigation
Paul H. Sato	Commercial Litigation Real Estate Law Real Estate Litigation
Stephanie E.W. Thompson	Appellate Practice Commercial Litigation Real Estate Litigation

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A LAW CORPORATION

Best Lawyers®, “Ones to Watch”, *Recognized Practice Areas*

Robert J. Brown	Commercial Litigation Criminal Defense-General Real Estate Litigation
Robert J. Brown	Commercial Litigation Real Estate Litigation
Kukui Claydon	Commercial Litigation Real Estate Litigation
John H. Kelly	Commercial Litigation Intellectual Property Litigation Real Estate Litigation
Maile S. Miller	Commercial Litigation Environmental Litigation Land Use & Zoning Law Real Estate Litigation
Lindsay E. Orman	Business Organizations Corporate Law Eminent Domain & Condemnation Law Government Relations Practice Land Use & Zoning Law Real Estate Law
Sara S.T. Strona	Business Organizations Corporate Law Real Estate Law

“Top 25” Lawyers in Hawaii, Super Lawyers® List

More “Top 25” attorneys than any other Hawaii Law Firm, (2011, 2014, 2020, 2021)

A. Bernard Bays	Business Litigation	2008, 2010-2021
Trevor A. Brown	Business Litigation	2015, 2018-2022
Sharon V. Lovejoy	Business Litigation	2023
Terence J. O’Toole	Business Litigation	2011, 2020
Judith Ann Pavey	Business Litigation	2016
Norman H.Y. Cheng	Real Estate Law	2021-2023
Duane R. Fisher	Real Estate Law	2014, 2020-2023
Kenneth B. Marcus	Real Estate Law	2011, 2012, 2014

Selected to the Hawaii Super Lawyers® List

A. Bernard Bays	Business Litigation
Trevor A. Brown	Business Litigation
Andrew J. Lautenbach	Business Litigation
Sharon V. Lovejoy	Business Litigation
Terence J. O’Toole	Business Litigation
Judith Ann Pavey	Business Litigation

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A LAW CORPORATION

Stephanie E.W. Thompson	Business Litigation
Robert J. Brown	Business Litigation, Rising Star
Kukui Claydon	Business Litigation, Rising Star
Maile S. Miller	Business Litigation, Rising Star
Eric S. Robinson	Business Litigation, Rising Star
John W. Kelly	IP Litigation, Rising Star
Norman H.Y. Cheng	Real Estate Law
Duane R. Fisher	Real Estate Law
Ivan M. Lui-Kwan	Real Estate Law
Kenneth B. Marcus	Real Estate Law
Lauren K.O. Kagawa	Real Estate Law, Rising Star
Christina N. Ohira	Real Estate Law, Rising Star
Lindsay E. Orman	Real Estate Law, Rising Star
Sara S.T. Strona	Real Estate Law, Rising Star

Chambers and Partners USA Leading Lawyers For Business

Litigation, Firm, Band "1"

Real Estate Law, Firm, Band "2"

Corporate Commercial, Firm, Band "2"

"Star", Chambers and Partners USA Leading Lawyers for Business

Terence J. O'Toole	Litigation/General Commercial
<i>Recognized Each Consecutive Year Since 2012</i>	

Recognized by Chambers and Partners USA Leading Lawyers For Business

Kenneth B. Marcus	Corporate Commercial, Band 2
Duane R. Fisher	Corporate Commercial, Band 2
Terence J. O'Toole	Litigation/Commercial, Star
Sharon V. Lovejoy	Litigation/Commercial, Band 1
Stephanie E.W. Thompson	Litigation Commercial, Band 2
Trevor A. Brown	Litigation/Commercial, Band 3
Andrew J. Lautenbach	Litigation Commercial, Band 3
Judith Ann Pavey	Litigation Commercial, Band 3
Doug Chin	Litigation Commercial, Band 3
Kenneth B. Marcus	Real Estate, Band 1
Duane R. Fisher	Real Estate, Band 2
Norman H.Y. Cheng	Real Estate, Band 3
Trevor A. Brown	Real Estate, Band 3
Lindsay E. Orman	Real Estate, Up and Coming

Recognized by Chambers and Partners High Net Worth Guide

Private Wealth Law, Firm, Band "2"

Trevor A. Brown	Private Wealth Law, Band 2
Christina N. Ohira	Private Wealth Law, Band

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A L A W C O R P O R A T I O N

“Top 250 Women in Litigation in the United States”, Benchmark Litigation, (2011-2014)

Sharon V. Lovejoy

Litigation Star

Benchmark Litigation

Selected “Litigation Law Firm of the Year-Hawaii” – Benchmark Litigation

Highly Recommended Firm

(2020 - 2022)

Trevor A. Brown

Litigation Star

Doug Chin

Litigation Star

Andrew J. Lautenbach

Litigation Star

Sharon V. Lovejoy

Litigation Star

Terence J. O’Toole

Litigation Star

Judith Ann Pavey

Litigation Star

Stephanie E.W. Thompson

Future Star

Maile S. Miller

Future Star

2014 “Lifetime Achievement Award” Pacific Edge Magazine

Ivan M. Lui-Kwan

“Women Who Mean Business”, Pacific Business News (2018)

Sharon V. Lovejoy

“Best Places To Work” by Hawaii Business Magazine

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A L A W C O R P O R A T I O N

FIRM OVERVIEW

Starn O'Toole Marcus & Fisher is a leader among Hawaii real estate and business law firms, recognized for its expertise in real estate law, commercial transactions and complex commercial litigation in Hawaii, the US mainland and internationally.

Firm transactional and litigation attorneys often join forces in complex commercial matters that require both business law and litigation experience. The firm's intellectual power and mental strength and toughness generate winning strategies, strong negotiations and innovative settlements for clients. Above all, the firm's attorneys have a passion for excellence and responsive client service, earning the firm an international reputation for extraordinary client results.

Starn O'Toole Marcus & Fisher's senior partners bring impressive depth in both years of practice and a skill level earned from working complex and nuanced cases for many years. Six senior partners have practiced over 45 years and remain actively involved in their legal practice.

***US News & World Report - Best Lawyers in America®, "Best Law Firms"
Ranked "Tier 1" in Hawaii in 23 Specialties***

Administrative/Regulatory Law	Legal Malpractice Law-Defendants
Appellate Practice	Leisure & Hospitality Law
Arbitration	Litigation-Banking & Finance
Bet-The Company Litigation	Litigation-Construction
Business Organizations	Land Use & Zoning Litigation
Civil Rights Law	Litigation-Mergers & Acquisitions
Commercial Finance	Litigation-Real Estate
Commercial Litigation	Medical Malpractice Law
Construction Law	Mortgage Banking Foreclosure Law
Corporate Law	Product Liability Litigation
Government Relations Practice	Real Estate Law
Land Use & Zoning Law	

Starn O'Toole Marcus & Fisher has earned *Martindale-Hubbell's*® highest AV Preeminent® rating, given by our legal peers for achieving the highest standards of professional ethics, excellence and legal ability. Our litigation attorneys and transactional team have been selected to the "Top 25", Hawaii *Super Lawyers*® list in the practice areas of business litigation and real estate law.

Firm attorneys have earned 36 recognitions as *The Best Lawyers in America*®, "Lawyers of the Year" in Honolulu (2011-2023), in both transactional and litigation practice areas.

Our firm is ranked "Tier 1" in Hawaii in 23 specialties by *US News & World Report-Best Lawyers in America*® "Best Law Firms". The firm has been selected for inclusion each year since the accolade's inception in 2010.

The firm is *Benchmark Litigation's* "Hawaii Litigation Firm of the Year" for 2020 - 2022, and a "Highly Recommended" law firm since 2011.

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A L A W C O R P O R A T I O N

A LITIGATION POWERHOUSE

Starn O'Toole Marcus & Fisher's litigation powerhouse has extensive experience, including significant jury and non-jury trial work, in complex commercial litigation encompassing business, corporate, contract and accounting issues related to Hawaii real estate development, corporate ownership and management, the hotel and hospitality industry, environmental matters, construction claims, lender liability, class actions and personal injury matters.

Our respected team of litigation attorneys have trial expertise before State and Federal courts in Hawaii and the US mainland, including the US Supreme Court, and has served as litigation general counsel before courts in foreign jurisdictions.

When clients are faced with complex commercial issues concerning matters in Hawaii and beyond, the firm's attorneys are amongst a handful of select "go-to" lawyers.

OUR TRIAL APPROACH & ATTORNEYS

Victory in the legal environment means triumph: economic satisfaction, a win-win agreement, or sometimes, just being proclaimed right.

The importance of the path to victory—strategies, players, and desired outcomes — make the selection of the legal trial team critical for success. The job is to design a road map that considers each twist and turn that may be presented. The experience and intellectual brainpower of the client's trial attorneys often accounts for the outcome of litigation by crafting each strategic move on the battlefield along the way.

Starn O'Toole Marcus & Fisher's litigation attorneys take the fight for every client as if it were their own battle. To be responsible and involved is a hallmark of the law firm, which is built on the power of its people.

The firm is *Benchmark Litigation's* "Hawaii Litigation Firm of the Year" for 2020 - 2022, and a "Highly Recommended" law firm since 2011.

The firm's litigation attorneys are recognized by *The Best Lawyers in America*®, *Chambers and Partners USA Directory of Leading Lawyers for Business*, *The Bar Register of Preeminent Lawyers*™, selected to *Hawaii Super Lawyers*® list, *Benchmark Litigation* and *Martindale-Hubbell*®.

Starn O'Toole Marcus & Fisher is rated AV Preeminent®, *Martindale-Hubbell's*® highest possible rating, given to us by our legal peers for achieving very high ethical standards and professional ability.

Directors & Counsel

A. Bernard Bays has been named a "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® and selected to the "Top 25," *Hawaii Super Lawyers*® list. Board Certified as a Civil Trial Advocate by the National Board of Trial Advocacy (NBTA) and the Supreme Court of Hawaii. Mr. Bays is one of only a handful of Hawaii lawyers who are certified by the NBTA.

Trevor A. Brown has been recognized by *The Best Lawyers in America*® in fourteen litigation and transactional categories, named "Lawyer of the Year" in Honolulu multiple times and is in *Chambers and Partners USA Leading Lawyers for Business* and *Chambers and Partners High Net Worth Guide*. Mr. Brown has been selected to the "Top 25" *Hawaii Super Lawyers*® list, named a "Litigation Star" by *Benchmark Litigation*, and has served as Chair of the Litigation Section of the Hawaii State Bar Association.

Doug Chin has been named to *The Best Lawyers in America*® list, named "Lawyer of the Year" in Honolulu, is in *Chambers and Partners USA Leading Lawyers for Business*, named a "Litigation Star" by *Benchmark Litigation*, and is rated AV Preeminent, *Martindale-Hubbell's*® highest rating possible, for his skill and integrity. Mr. Chin

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A L A W C O R P O R A T I O N

focuses his practice on commercial litigation, administrative law and government relations. Mr. Chin served as Hawaii Attorney General, appointed by Governor David Ige.

Kukui Claydon has been selected to *The Best Lawyers in America*®, *Ones to Watch* list, and selected to the *Hawaii Super Lawyers*®, "Rising Star" list each year since 2018. Ms. Claydon focuses her practice in the area of commercial litigation. Ms. Claydon is admitted to the Hawaii Bar, and earned her Juris Doctor from Georgetown University Law Center, graduating with honors.

Andrew J. Lautenbach has been named to *The Best Lawyers in America*® list, selected to the *Hawaii Super Lawyers*® list, is in *Chambers and Partners USA Leading Lawyers for Business* and named a "Litigation Star" by *Benchmark Litigation*. Mr. Lautenbach is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for his skill and integrity, and serves as a Director on the Board of the Hawaii Chapter of the Federal Bar Association.

Sharon V. Lovejoy has been selected for inclusion by *Benchmark Litigation's* "Top 250 Women in Litigation in the United States"(2011-14) and *Pacific Business News' 2018 "Women Who Mean Business"*. Ms. Lovejoy has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*®, multiple times, selected to the "Top 25" *Hawaii Super Lawyers*® list in *Chambers and Partners USA Leading Lawyers for Business*, named a "Litigation Star" by *Benchmark Litigation*, is a Senior Fellow of the Litigation Counsel of America and is a Fellow of the Federal Bar Foundation.

Maile S. Miller Since 2018, Ms. Miller has been selected to *The Best Lawyers in America*®, *Ones to Watch* list, and the *Hawaii Super Lawyers*®, "Rising Star" list each year. She has also been named a "Future Star" by *Benchmark Litigation* and is rated AV Preeminent® by *Martindale-Hubbell*®. Ms. Miller represents a variety of clients in litigation and pre-litigation matters. Ms. Miller is admitted to the Hawaii Bar, and earned her Juris Doctor from the University of Hawaii, William S. Richardson School of Law.

Terence J. O'Toole has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® multiple times, selected to the "Top 25," *Hawaii Super Lawyers*® list, named a "Star" by *Chambers and Partners USA Directory of Leading Lawyers for Business* and named a "Litigation Star" by *Benchmark Litigation*.

Judith Ann Pavey has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® multiple times, selected to the "Top 25" *Hawaii Super Lawyers*® list, in *Chambers and Partners USA Leading Lawyers for Business*, and a "Litigation Star" by *Benchmark Litigation*. Ms. Pavey is a member of the American Board of Trial Lawyers, American Association of Justice and the American Inns of Court. Ms. Pavey practices and is recognized for her work in both commercial and personal injury litigation matters.

Paul H. Sato has been named to *The Best Lawyers in America*® list. Mr. Sato is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible, for his skill and integrity. He is a seasoned litigation attorney who has over 40 years of experience and focuses on commercial litigation, real estate law, corporate law and administrative law.

Stephanie E.W. Thompson has been named to *The Best Lawyers in America*® list, selected to *Hawaii Super Lawyers*® list, in *Chambers and Partners USA Leading Lawyers for Business* and named a "Future Star" by *Benchmark Litigation*. Ms. Thompson is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for skill and integrity, and served as the 2015 Chairperson of the Litigation Section of the Hawaii State Bar Association.

STARN · O'TOOLE · MARCUS & FISHER

A L A W C O R P O R A T I O N

BUSINESS FOCUSED REAL ESTATE ATTORNEYS

Starn O'Toole Marcus & Fisher's real estate and business law attorneys are known for sophisticated case analysis and innovative business solutions for complex matters. Our attorneys have significant experience in real estate development and transactions, hotels, hotel management agreements, corporate finance, international transactions, secured transactions, mergers and acquisitions, construction law and complex commercial matters, in Hawaii, the US and internationally.

The firm's impressive skill and experience in strategic case planning, ingenious solutions and powerful negotiations in all aspects of complex real estate transactions has opened many doors for domestic and international clients, and have helped many navigate Hawaii's complex land use and permitting laws.

OUR TRANSACTIONAL APPROACH AND ATTORNEYS

Starn O'Toole Marcus & Fisher transactional attorneys have an innate talent for critical thinking through each complex commercial matter. What's more, they excel in solving the pieces of a puzzle, examining the players, unraveling the details of agreements and handshake deals, to identify the keys that will give the client the clear advantage.

In today's complex competitive environment, firm transactional attorneys shine when approaching the deal table. Strong, experienced and prepared for endless possible moves and counter-moves, firm attorneys drive for exceptional results for every client whether they are a family owned business or an international corporation.

Our transactional attorneys are recognized by *The Best Lawyers in America*®, *Chambers and Partners USA Directory of Leading Lawyers for Business*, *The Bar Register of Preeminent Lawyers*™ and selected to the Hawaii *Super Lawyers*® list.

All Starn O'Toole Marcus & Fisher transactional Directors are rated AV Preeminent®, the highest rating possible given by *Martindale-Hubbell*®, a distinction given by our legal peers for achieving the highest standards for professional skill, ethics and integrity.

Directors

Trevor A. Brown is recognized by *The Best Lawyers in America*® for both business and litigation matters, named by *The Best Lawyers in America*®, "Lawyer of the Year" in Honolulu multiple times, selected to the "Top 25" Hawaii *Super Lawyers*® list, is in *Chambers and Partners USA Leading Lawyers for Business* and *Chambers and Partners High Net Worth Guide* and named a "Litigation Star" by *Benchmark Litigation*. Mr. Brown is often called upon to work on client matters that require business and litigation strategy.

Norman H.Y. Cheng is Managing Director of the firm. Mr. Cheng has been named to *The Best Lawyers in America*® list, selected to the "Top 25" Hawaii *Super Lawyers*® list, is in *Chambers and Partners USA Directory of Leading Lawyers for Business*. Mr. Cheng is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for his skill and integrity. He practices in the area of real estate law, and participates on many non-profit boards.

Duane R. Fisher has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*®, selected to the "Top 25" Hawaii *Super Lawyers*® list, in *Chambers and Partners USA Directory of Leading Lawyers for Business* and is recognized for his expertise in real estate, corporate and construction law.

Ivan M. Lui-Kwan has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® and selected to the Hawaii *Super Lawyers*® list. Mr. Lui-Kwan is rated AV Preeminent® by *Martindale-Hubbell*®, is

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A L A W C O R P O R A T I O N

the Ambassador to the US for the Maori King Tuheitia, and National Board Member of The American Judicature Society.

Kenneth B. Marcus has been named “Lawyer of the Year” in Honolulu by *The Best Lawyers in America*®, selected to the “Top 25” Hawaii *Super Lawyers*® list, in *Chambers and Partners USA Directory of Leading Lawyers for Business* and is a member of the International Society of Hospitality Consultants (ISHC). Mr. Marcus has structured numerous successful hotel management agreements and authored the Hawaii State Bar Association Real Estate Manual chapter.

Christina N. Ohira has been named to *The Best Lawyers in America*® list and selected to the Hawaii *Super Lawyers*® Rising Star list. Ms. Ohira concentrates her practice in the areas of real estate and commercial transactions, and has received Martindale-Hubbell's® highest possible “AV Preeminent®” rating for her legal skill and integrity.

Lindsay E. Orman has been named to *The Best Lawyers in America*®: *Ones to Watch* list, *Chambers and Partners USA Leading Lawyers for Business*, Hawaii *Super Lawyers*® Rising Star list, and is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for her skill and integrity. Ms. Orman focuses her practice in areas of real estate and land use law, business law, and legislative and government relations work. Ms. Orman served as a law clerk to Chief Judge Emily Hewitt in the United States Court of Federal Claims in Washington, DC. She is admitted to the Hawaii Bar and earned her Juris Doctor from The George Washington University Law School, graduating with “High Honors.”

Sara S.T. Strona has been named to *The Best Lawyers in America*®: *Ones to Watch* list, selected to the Hawaii *Super Lawyers*® “Rising Star” list, and is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for her skill and integrity. Ms. Strona focuses her practice in the areas of real estate, commercial transactions, and business structure and operations. She is admitted to the Hawaii Bar and earned her Juris Doctor and Master of Business Administration from the University of Hawaii William S. Richardson School of Law and Shidler College of Business.

STARN • O'TOOLE • MARCUS & FISHER

A LAW CORPORATION

June 26, 2023

Elizabeth A. Strance
Corporation Counsel
County of Hawaii
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720
Email: corpcounsel@hawaiicounty.gov

RE: Statement of Qualification and Expression of Interest
John W. Kelly, Esq.
CC.4) Attorney/Law – General defense in civil matters
CC.17) Attorney/Law Construction Litigation

These are responses to Questions 1-5 of my Statement of Qualifications and Expression of Interest.

1. The name of the person, contact information including email address, the principal place of business, and location of all of its offices.

Name of Person: John W. Kelly, Esq.

Contact Information: 808-537-6100

Email Address: jkelly@starnlaw.com

Principal Place of Business: Starn, O'Toole Marcus & Fisher, 733 Bishop Street, Ste 1900,
Honolulu, Hawaii 96813

Location of all of its Offices: Honolulu, Hawaii

Website: www.starnlaw.com

2. The age of the firm and its average number of employees over the past five years:

Starn O'Toole Marcus and Fisher is 29 years old with an average of 40 employees.

3. The education, training, and qualifications of the individual, or if a firm, its key employees in accordance with HRS 103D-304 and/or the professional and scientific occupation series contained in the United States Office of Personnel Management's Qualifications Standards Handbook.

In 2017, after relocating to Hawaii, Mr. Kelly joined the Starn O'Toole Marcus & Fisher Law Firm. Mr. Kelly focuses his practice in the area of commercial litigation, with particular

concentration in intellectual property rights. Mr. Kelly is admitted to the New York and Hawaii Bar and earned his Juris Doctor from New York Law School. During law school, Mr. Kelly was a legal intern at The United States Court of International Trade in New York City, serving the Chambers of the Honorable Judge Nicholas Tsoucalas.

Prior to joining Starn O'Toole Marcus & Fisher in 2017, Mr. Kelly was an associate at one of the nation's oldest intellectual property firms based in New York, Ladas & Parry, LLP from 2013-2017. While there his practice included counseling clients from start-ups to Fortune 100 companies on the prosecution, opposition and enforcement of worldwide intellectual property rights, negotiating coexistence and settlement agreements, providing guidance on business transactions and conducting due diligence for divestments and acquisitions. Mr. Kelly worked closely with the Litigation Group and the Mergers, Acquisitions and Licensing Group during his tenure with the firm.

Since returning to Hawaii Mr. Kelly has assisted a number of clients, from individuals and startups, to large and established corporations with a wide range of intellectual property matters. Mr. Kelly has advised local clients on domestic and international trademark registration, maintenance and enforcement, including litigating matters before the Trademark Trial and Appeal Board (TTAB), state, federal, and administrative tribunals. His work also includes assisting business clients with issues relating to copyright, domain names, rights of publicity and unfair competition. Some of Mr. Kelly's clients include local leaders in the food and beverage, hospitality, fashion, retail, luxury and tech industries in Hawaii.

Mr. Kelly has been selected to the **Hawaii Super Lawyers®**, "**Rising Star**" list in the practice area of IP Litigation since 2020. Mr. Kelly has been named to **The Best Lawyers in America®: Ones to Watch** list in the practice areas of Intellectual Property Litigation, Real Estate Litigation and Commercial Litigation.

Mr. Kelly was recently sought out by Hawaii News Now to comment on the "Aloha Poke" case, where a Chicago-based business attempted to stop businesses from using the words "aloha" and "aloha poke".

Mr. Kelly also has prior experience as a financial instrument consultant at a boutique research firm focused on the review and legal analysis of bond and loan covenants for institutional investors.

4. A list of recent projects and the names of up to five clients who may be contacted, including at least two of whom services were rendered during the preceding year.

Civil Litigation

I estimate that I have handled approximately 30 or more civil matters in the state and federal courts of Hawai'i. Representative cases are discussed below.

i. *Hawaii Life Real Estate Services, LLC v. Justin Britt*; Civil No. 1CC171000356; In the Circuit Court of the First Circuit, State of Hawaii. From 2017 to the present, I have represented Hawaii Life Real Estate Services, LLC, in litigation seeking to expel one of the original members of the company based on breaches of fiduciary obligations and self-dealing. We have successfully obtained a summary judgment order expelling the defendant as a member of the company, and obtained a favorable valuation opinion following a bench trial to determine the fair value of the expelled business member's interest in the company. The company's claims for damages remain to be tried to a jury.

ii. *Timothy Clark and Aria Khayatan, et al. v. The Association of Apartment Owners of 2465 Kuhio at Waikiki, By and Through its Board of Directors, et al.*; Civil No. 1CCV-22-0000211; In the Circuit Court of the First Circuit, State of Hawaii. From October 2021 to the present, I have represented Mr. Clark and Mr. Khayatan in litigation against the AOA of a condominium building that they are both owners of. Mr. Clark and Mr. Khayatan have asserted several causes of action, including fraud, breach of the master deed and by-laws, breach of fiduciary duty, and unfair and deceptive acts and practices under HRS § 480-2..

iii. *Reliant Pro Rehab, LLC., et al., v. Abrien Aguirre*; Civil No. 1CCV-21-0001482; In the Circuit Court of the First Circuit, State of Hawaii. From December 2021 to the present, I have represented Reliant Pro Rehab, LLC and the other Plaintiffs in this litigation against a former employee based on his defamatory statements and conduct. We have successfully obtained a default judgment enjoining Mr. Aguirre from restating the same defamatory statements against the Plaintiffs going forward.

Construction Litigation

I estimate that I have handled at least 10 or more construction litigation matters in the state and federal courts of Hawai'i. Representative cases are discussed below.

i. *Steel Encounters, Inc. v. Layton Construction Company, Inc., et al.*; American Arbitration Association and in the Circuit Court of the First Circuit, State of Hawaii. From January 2019 to February 2021, I represented Steel Encounters, Inc., a subcontractor on a Howard Hughes condominium project, against its general contractor, Layton Construction

Company, LLC. Relief sought included the discharge of a lien bond, breach of contract, indemnification and unjust enrichment. The dispute was settled.

ii. *Steel Encounters, Inc. v. Luxevue Lt. d/b/a True Architectural, Schuco USA L.P. et. al.*; In the Circuit Court of the First Circuit, State of Hawaii. From June 2020 to the present, I have represented Steel Encounters, Inc. in prosecuting its claims against its subcontractors and suppliers on a Hawaii-based project. Claims are related to design and manufacturing defects which resulted in damages sustained by Steel Encounters, Inc.

iii. *Shobu's Refrigeration and Air Conditioning, Inc., v. Pearl Harbor Aviation Museum, et. al.*; Civil No. 1CC191000550; In the Circuit Court of the First Circuit, State of Hawaii. From April 2019 to the present, I have represented the Pearl Harbor Aviation Museum against claims for non-payment by a subcontractor. Pearl Harbor Aviation Museum paid all amounts due to its general contractor, but was named in the lawsuit because of the general contractor's failure to remit payment to its sub-contractor. Pearl Harbor Aviation Museum and the sub-contractor settled and Pearl Harbor Aviation Museum received judgments against its general contractor and affiliates.

Client Contacts:

Client contact information can be provided upon request.

5. Any promotional or descriptive literature which the individual or firm desires to submit.

See attached.

I *very much appreciate* the County of Hawaii's consideration.

Sincerely yours,

STARN O'TOOLE MARCUS & FISHER

By: 

JOHN W. KELLY

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A L A W C O R P O R A T I O N

Fierce Warriors, Innovative Dealmakers

Starn O'Toole Marcus & Fisher is a leader among Hawaii law firms, recognized for its expertise in real estate law, commercial transactions and complex commercial litigation in Hawaii, the US mainland and internationally. The firm's intellectual power, mental strength and toughness generate winning strategies, strong negotiations and innovative settlements for clients. Above all, the firm's passion for excellence and responsive client service has earned an international reputation for extraordinary client results.

Accolades

AV Preeminent® Rated Firm - Martindale-Hubbell®

**Ranked "Tier 1" among Hawaii law firms, *US News & World Report-Best Lawyers*® "Best Law Firms"
23 Practice Areas**

**36 "Lawyer of the Year" Recognitions - *The Best Lawyers in America*® (2011-2023)
Named in 15 Practice Areas**

**14 Best Lawyers® – *The Best Lawyers in America*®, 6 Selected to "Ones to Watch" List
Named in 36 Practice Areas-102 Recognitions**

**8 Lawyers Selected to the "Top 25" Hawaii Super Lawyers® List
More "Top 25" lawyers than any other Hawaii Law Firm (2011, 2014, 2020, 2021)**

**11 Selected to the Hawaii Super Lawyers®, Super Lawyers® List, 9 Selected to Rising Star List
Business Litigation – Real Estate Law – IP Litigation**

**Lawyer Named "Star" by *Chambers and Partners USA Directory of Leading Lawyers for Business*
Commercial Litigation
Since 2012**

**11 Lawyers Ranked by *Chambers and Partners USA Directory Leading Lawyers for Business*
Business Litigation – Real Estate Law – Corporate/Commercial Law**

**Firm and 2 Lawyers Ranked by *Chambers and Partners High Net Worth Guide*
Private Wealth Law**

**Selected "*Litigation Law Firm of the Year-Hawaii*" – Benchmark Litigation
(2020 - 2022)**

**Lawyer Named "Top 250 Women in Litigation" – Benchmark Litigation
(2011-2014)**

**6 Lawyers Named "Litigation Stars" by *Benchmark Litigation*, Two "Future Stars"
Highly Recommended Law Firm**

**"Lifetime Achievement Award" Recipient by *Pacific Edge Magazine*
"Women Who Mean Business: Award Recipient by *Pacific Business News***

**"Best Places To Work" by *Hawaii Business Magazine*
AV Preeminent® Rating By Martindale-Hubbell®**

Pacific Guardian Center, Makai Tower – 733 Bishop Street, Suite 1900 – Honolulu, HI 96813
Telephone: (808) 537-6100 – Fax: (808) 537-5434 – Website: www.starnlaw.com

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A L A W C O R P O R A T I O N

Law Firm Rated AV Preeminent®
17 Lawyers Rated AV Preeminent®

A. Bernard Bays, Trevor A. Brown, Norman H.Y. Cheng, Doug Chin, Duane R. Fisher,
Andrew J. Lautenbach, Sharon V. Lovejoy, Ivan M. Lui-Kwan, Kenneth B. Marcus, Maile S. Miller,
Christine N. Ohira, Lindsay E. Orman, Terence J. O'Toole, Judith Ann Pavey,
Paul H. Sato, Sara S.T. Strona, Stephanie E.W. Thompson

US News & World Report - Best Lawyers in America®, "Best Law Firms"
Ranked "Tier 1" in Hawaii in 23 Specialties

Administrative/Regulatory Law	Legal Malpractice Law-Defendants
Appellate Practice	Leisure & Hospitality Law
Arbitration	Litigation-Banking & Finance
Bet-The Company Litigation	Litigation-Construction
Business Organizations	Land Use & Zoning Litigation
Civil Rights Law	Litigation-Mergers & Acquisitions
Commercial Finance	Litigation-Real Estate
Commercial Litigation	Medical Malpractice Law
Construction Law	Mortgage Banking Foreclosure Law
Corporate Law	Product Liability Litigation
Government Relations Practice	Real Estate Law
Land Use & Zoning Law	

Best Lawyers in America® -"Lawyer of the Year" Honolulu

Lawyer of the Year (2015)	A. Bernard Bays	Legal Malpractice Law-Defendants
Lawyer of the Year (2017)	Trevor A. Brown	Mortgage Banking Foreclosure Law
Lawyer of the Year (2019)	Trevor A. Brown	Closely Held & Family Businesses
Lawyer of the Year (2020, 2023)	Trevor A. Brown	Securities Litigation
Lawyer of the Year (2023)	Doug Chin	Civil Rights Law
Lawyer of the Year (2022)	Trevor A. Brown	Legal Malpractice Law-Defendants
Lawyer of the Year (2015)	Duane R. Fisher	Corporate Law
Lawyer of the Year (2020,2023)	Duane R. Fisher	Business Organizations
Lawyer of the Year (2014, 2022)	Sharon V. Lovejoy	Banking & Finance Litigation
Lawyer of the Year (2015, 2019)	Sharon V. Lovejoy	Mortgage Banking Foreclosure Law
Lawyer of the Year (2020)	Sharon V. Lovejoy	Appellate Practice
Lawyer of the Year (2015, 2018)	Ivan M. Lui-Kwan	Government Relations Practice
Lawyer of the Year (2023)	Ivan M. Lui-Kwan	Government Relations Practice
Lawyer of the Year (2022)	Ivan M. Lui-Kwan	Administrative/Regulatory Law
Lawyer of the Year (2016)	Kenneth B. Marcus	Business Organizations
Lawyer of the Year (2017)	Kenneth B. Marcus	Mergers and Acquisitions Law
Lawyer of the Year (2011, 2019)	Terence J. O'Toole	Bet-The-Company Litigation
Lawyer of the Year (2023)	Terence J. O'Toole	Bet-The-Company Litigation
Lawyer of the Year (2012, 2015)	Terence J. O'Toole	Banking & Finance Litigation
Lawyer of the Year (2014, 2018)	Terence J. O'Toole	Appellate Practice
Lawyer of the Year (2022)	Terence J. O'Toole	Appellate Practice
Lawyer of the Year (2013, 2018)	Judith Ann Pavey	Banking & Finance Litigation
Lawyer of the Year (2023)	Judith Ann Pavey	Banking & Finance Litigation
Lawyer of the Year (2014, 2019)	Judith Ann Pavey	Product Liability Litigation
Lawyer of the Year (2020, 2023)	Judith Ann Pavey	Medical Malpractice Law-Plaintiff

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A LAW CORPORATION

Best Lawyers® Recognized Practice Areas

A. Bernard Bays

Commercial Litigation
Legal Malpractice Law-Defendants
Real Estate Litigation

Trevor A. Brown

Appellate Practice
Arbitration
Business Organizations
Closely Held Companies &
Family Businesses
Commercial Litigation
Commercial Transactions/UCC Law
Corporate Law
Legal Malpractice Law-Defendants
Mortgage Banking Foreclosure Law
Product Liability Litigation
Real Estate Law
Real Estate Litigation
Securities Litigation
Trusts and Estates Litigation

Norman H.Y. Cheng

Real Estate Law

Douglas S. Chin

Administrative/Regulatory Law
Civil Rights Law
Commercial Litigation
Government Relations Practice

Duane R. Fisher

Business Organizations
Construction Law
Corporate Law
Land Use & Zoning Law
Real Estate Law

Andrew J. Lautenbach

Commercial Litigation
Construction Litigation
Real Estate Litigation

Sharon V. Lovejoy

Appellate Practice
Arbitration
Banking & Finance Litigation
Commercial Litigation
Construction Litigation
Eminent Domain & Condemnation Law
Environmental Litigation
Land Use & Zoning Litigation
Mass Tort Litigation/Class Actions
-Defendants

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A L A W C O R P O R A T I O N

Sharon V. Lovejoy	Mass Tort Litigation/Class Actions -Plaintiffs Mortgage Banking Foreclosure Qui Tam Law Real Estate Litigation
Ivan M. Lui-Kwan	Administrative/Regulatory Law Government Relations Practice Real Estate Law
Kenneth B. Marcus	Business Organizations Commercial Finance Law Leisure & Hospitality Law Mergers & Acquisitions Law Real Estate Law
Christina N. Ohira	Business Organizations Land Use & Zoning Law Real Estate Law
Terence J. O'Toole	Appellate Practice Arbitration Banking & Finance Litigation Bet-The-Company Litigation Commercial Litigation Construction Litigation Land Use & Zoning Litigation Mass Tort Litigation/Class Action -Plaintiffs Mergers & Acquisition Litigation Real Estate Litigation
Judith Ann Pavey	Banking & Finance Litigation Commercial Litigation Construction Litigation Medical Malpractice Law Personal Injury Litigation Product Liability Litigation
Paul H. Sato	Commercial Litigation Real Estate Law Real Estate Litigation
Stephanie E.W. Thompson	Appellate Practice Commercial Litigation Real Estate Litigation

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A LAW CORPORATION

Best Lawyers®, “Ones to Watch”, *Recognized Practice Areas*

Robert J. Brown	Commercial Litigation Criminal Defense-General Real Estate Litigation
Robert J. Brown	Commercial Litigation Real Estate Litigation
Kukui Claydon	Commercial Litigation Real Estate Litigation
John H. Kelly	Commercial Litigation Intellectual Property Litigation Real Estate Litigation
Maile S. Miller	Commercial Litigation Environmental Litigation Land Use & Zoning Law Real Estate Litigation
Lindsay E. Orman	Business Organizations Corporate Law Eminent Domain & Condemnation Law Government Relations Practice Land Use & Zoning Law Real Estate Law
Sara S.T. Strona	Business Organizations Corporate Law Real Estate Law

“Top 25” Lawyers in Hawaii, Super Lawyers® List

More “Top 25” attorneys than any other Hawaii Law Firm, (2011, 2014, 2020, 2021)

A. Bernard Bays	Business Litigation	2008, 2010-2021
Trevor A. Brown	Business Litigation	2015, 2018-2022
Sharon V. Lovejoy	Business Litigation	2023
Terence J. O’Toole	Business Litigation	2011, 2020
Judith Ann Pavey	Business Litigation	2016
Norman H.Y. Cheng	Real Estate Law	2021-2023
Duane R. Fisher	Real Estate Law	2014, 2020-2023
Kenneth B. Marcus	Real Estate Law	2011, 2012, 2014

Selected to the Hawaii Super Lawyers® List

A. Bernard Bays	Business Litigation
Trevor A. Brown	Business Litigation
Andrew J. Lautenbach	Business Litigation
Sharon V. Lovejoy	Business Litigation
Terence J. O’Toole	Business Litigation
Judith Ann Pavey	Business Litigation

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A LAW CORPORATION

Stephanie E.W. Thompson	Business Litigation
Robert J. Brown	Business Litigation, Rising Star
Kukui Claydon	Business Litigation, Rising Star
Maile S. Miller	Business Litigation, Rising Star
Eric S. Robinson	Business Litigation, Rising Star
John W. Kelly	IP Litigation, Rising Star
Norman H.Y. Cheng	Real Estate Law
Duane R. Fisher	Real Estate Law
Ivan M. Lui-Kwan	Real Estate Law
Kenneth B. Marcus	Real Estate Law
Lauren K.O. Kagawa	Real Estate Law, Rising Star
Christina N. Ohira	Real Estate Law, Rising Star
Lindsay E. Orman	Real Estate Law, Rising Star
Sara S.T. Strona	Real Estate Law, Rising Star

Chambers and Partners USA Leading Lawyers For Business

Litigation, Firm, Band "1"

Real Estate Law, Firm, Band "2"

Corporate Commercial, Firm, Band "2"

"Star", Chambers and Partners USA Leading Lawyers for Business

Terence J. O'Toole	Litigation/General Commercial
<i>Recognized Each Consecutive Year Since 2012</i>	

Recognized by Chambers and Partners USA Leading Lawyers For Business

Kenneth B. Marcus	Corporate Commercial, Band 2
Duane R. Fisher	Corporate Commercial, Band 2
Terence J. O'Toole	Litigation/Commercial, Star
Sharon V. Lovejoy	Litigation/Commercial, Band 1
Stephanie E.W. Thompson	Litigation Commercial, Band 2
Trevor A. Brown	Litigation/Commercial, Band 3
Andrew J. Lautenbach	Litigation Commercial, Band 3
Judith Ann Pavey	Litigation Commercial, Band 3
Doug Chin	Litigation Commercial, Band 3
Kenneth B. Marcus	Real Estate, Band 1
Duane R. Fisher	Real Estate, Band 2
Norman H.Y. Cheng	Real Estate, Band 3
Trevor A. Brown	Real Estate, Band 3
Lindsay E. Orman	Real Estate, Up and Coming

Recognized by Chambers and Partners High Net Worth Guide

Private Wealth Law, Firm, Band "2"

Trevor A. Brown	Private Wealth Law, Band 2
Christina N. Ohira	Private Wealth Law, Band

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“Top 250 Women in Litigation in the United States”, Benchmark Litigation, (2011-2014)

Sharon V. Lovejoy

Litigation Star

Benchmark Litigation

Selected “Litigation Law Firm of the Year-Hawaii” – Benchmark Litigation

Highly Recommended Firm

(2020 - 2022)

Trevor A. Brown

Litigation Star

Doug Chin

Litigation Star

Andrew J. Lautenbach

Litigation Star

Sharon V. Lovejoy

Litigation Star

Terence J. O’Toole

Litigation Star

Judith Ann Pavey

Litigation Star

Stephanie E.W. Thompson

Future Star

Maile S. Miller

Future Star

2014 “Lifetime Achievement Award” Pacific Edge Magazine

Ivan M. Lui-Kwan

“Women Who Mean Business”, Pacific Business News (2018)

Sharon V. Lovejoy

“Best Places To Work” by Hawaii Business Magazine

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A L A W C O R P O R A T I O N

FIRM OVERVIEW

Starn O'Toole Marcus & Fisher is a leader among Hawaii real estate and business law firms, recognized for its expertise in real estate law, commercial transactions and complex commercial litigation in Hawaii, the US mainland and internationally.

Firm transactional and litigation attorneys often join forces in complex commercial matters that require both business law and litigation experience. The firm's intellectual power and mental strength and toughness generate winning strategies, strong negotiations and innovative settlements for clients. Above all, the firm's attorneys have a passion for excellence and responsive client service, earning the firm an international reputation for extraordinary client results.

Starn O'Toole Marcus & Fisher's senior partners bring impressive depth in both years of practice and a skill level earned from working complex and nuanced cases for many years. Six senior partners have practiced over 45 years and remain actively involved in their legal practice.

***US News & World Report - Best Lawyers in America®, "Best Law Firms"
Ranked "Tier 1" in Hawaii in 23 Specialties***

Administrative/Regulatory Law	Legal Malpractice Law-Defendants
Appellate Practice	Leisure & Hospitality Law
Arbitration	Litigation-Banking & Finance
Bet-The Company Litigation	Litigation-Construction
Business Organizations	Land Use & Zoning Litigation
Civil Rights Law	Litigation-Mergers & Acquisitions
Commercial Finance	Litigation-Real Estate
Commercial Litigation	Medical Malpractice Law
Construction Law	Mortgage Banking Foreclosure Law
Corporate Law	Product Liability Litigation
Government Relations Practice	Real Estate Law
Land Use & Zoning Law	

Starn O'Toole Marcus & Fisher has earned *Martindale-Hubbell's*® highest AV Preeminent® rating, given by our legal peers for achieving the highest standards of professional ethics, excellence and legal ability. Our litigation attorneys and transactional team have been selected to the "Top 25", Hawaii *Super Lawyers*® list in the practice areas of business litigation and real estate law.

Firm attorneys have earned 36 recognitions as *The Best Lawyers in America*®, "Lawyers of the Year" in Honolulu (2011-2023), in both transactional and litigation practice areas.

Our firm is ranked "Tier 1" in Hawaii in 23 specialties by *US News & World Report-Best Lawyers in America*® "Best Law Firms". The firm has been selected for inclusion each year since the accolade's inception in 2010.

The firm is *Benchmark Litigation's* "Hawaii Litigation Firm of the Year" for 2020 - 2022, and a "Highly Recommended" law firm since 2011.

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A L A W C O R P O R A T I O N

A LITIGATION POWERHOUSE

Starn O'Toole Marcus & Fisher's litigation powerhouse has extensive experience, including significant jury and non-jury trial work, in complex commercial litigation encompassing business, corporate, contract and accounting issues related to Hawaii real estate development, corporate ownership and management, the hotel and hospitality industry, environmental matters, construction claims, lender liability, class actions and personal injury matters.

Our respected team of litigation attorneys have trial expertise before State and Federal courts in Hawaii and the US mainland, including the US Supreme Court, and has served as litigation general counsel before courts in foreign jurisdictions.

When clients are faced with complex commercial issues concerning matters in Hawaii and beyond, the firm's attorneys are amongst a handful of select "go-to" lawyers.

OUR TRIAL APPROACH & ATTORNEYS

Victory in the legal environment means triumph: economic satisfaction, a win-win agreement, or sometimes, just being proclaimed right.

The importance of the path to victory—strategies, players, and desired outcomes — make the selection of the legal trial team critical for success. The job is to design a road map that considers each twist and turn that may be presented. The experience and intellectual brainpower of the client's trial attorneys often accounts for the outcome of litigation by crafting each strategic move on the battlefield along the way.

Starn O'Toole Marcus & Fisher's litigation attorneys take the fight for every client as if it were their own battle. To be responsible and involved is a hallmark of the law firm, which is built on the power of its people.

The firm is *Benchmark Litigation's* "Hawaii Litigation Firm of the Year" for 2020 - 2022, and a "Highly Recommended" law firm since 2011.

The firm's litigation attorneys are recognized by *The Best Lawyers in America*®, *Chambers and Partners USA Directory of Leading Lawyers for Business*, *The Bar Register of Preeminent Lawyers*™, selected to *Hawaii Super Lawyers*® list, *Benchmark Litigation* and *Martindale-Hubbell*®.

Starn O'Toole Marcus & Fisher is rated AV Preeminent®, *Martindale-Hubbell's*® highest possible rating, given to us by our legal peers for achieving very high ethical standards and professional ability.

Directors & Counsel

A. Bernard Bays has been named a "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® and selected to the "Top 25," *Hawaii Super Lawyers*® list. Board Certified as a Civil Trial Advocate by the National Board of Trial Advocacy (NBTA) and the Supreme Court of Hawaii. Mr. Bays is one of only a handful of Hawaii lawyers who are certified by the NBTA.

Trevor A. Brown has been recognized by *The Best Lawyers in America*® in fourteen litigation and transactional categories, named "Lawyer of the Year" in Honolulu multiple times and is in *Chambers and Partners USA Leading Lawyers for Business* and *Chambers and Partners High Net Worth Guide*. Mr. Brown has been selected to the "Top 25" *Hawaii Super Lawyers*® list, named a "Litigation Star" by *Benchmark Litigation*, and has served as Chair of the Litigation Section of the Hawaii State Bar Association.

Doug Chin has been named to *The Best Lawyers in America*® list, named "Lawyer of the Year" in Honolulu, is in *Chambers and Partners USA Leading Lawyers for Business*, named a "Litigation Star" by *Benchmark Litigation*, and is rated AV Preeminent, *Martindale-Hubbell's*® highest rating possible, for his skill and integrity. Mr. Chin

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A L A W C O R P O R A T I O N

focuses his practice on commercial litigation, administrative law and government relations. Mr. Chin served as Hawaii Attorney General, appointed by Governor David Ige.

Kukui Claydon has been selected to *The Best Lawyers in America*®, *Ones to Watch* list, and selected to the *Hawaii Super Lawyers*®, "Rising Star" list each year since 2018. Ms. Claydon focuses her practice in the area of commercial litigation. Ms. Claydon is admitted to the Hawaii Bar, and earned her Juris Doctor from Georgetown University Law Center, graduating with honors.

Andrew J. Lautenbach has been named to *The Best Lawyers in America*® list, selected to the *Hawaii Super Lawyers*® list, is in *Chambers and Partners USA Leading Lawyers for Business* and named a "Litigation Star" by *Benchmark Litigation*. Mr. Lautenbach is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for his skill and integrity, and serves as a Director on the Board of the Hawaii Chapter of the Federal Bar Association.

Sharon V. Lovejoy has been selected for inclusion by *Benchmark Litigation's* "Top 250 Women in Litigation in the United States"(2011-14) and *Pacific Business News' 2018 "Women Who Mean Business"*. Ms. Lovejoy has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*®, multiple times, selected to the "Top 25" *Hawaii Super Lawyers*® list in *Chambers and Partners USA Leading Lawyers for Business*, named a "Litigation Star" by *Benchmark Litigation*, is a Senior Fellow of the Litigation Counsel of America and is a Fellow of the Federal Bar Foundation.

Maile S. Miller Since 2018, Ms. Miller has been selected to *The Best Lawyers in America*®, *Ones to Watch* list, and the *Hawaii Super Lawyers*®, "Rising Star" list each year. She has also been named a "Future Star" by *Benchmark Litigation* and is rated AV Preeminent® by *Martindale-Hubbell*®. Ms. Miller represents a variety of clients in litigation and pre-litigation matters. Ms. Miller is admitted to the Hawaii Bar, and earned her Juris Doctor from the University of Hawaii, William S. Richardson School of Law.

Terence J. O'Toole has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® multiple times, selected to the "Top 25," *Hawaii Super Lawyers*® list, named a "Star" by *Chambers and Partners USA Directory of Leading Lawyers for Business* and named a "Litigation Star" by *Benchmark Litigation*.

Judith Ann Pavey has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® multiple times, selected to the "Top 25" *Hawaii Super Lawyers*® list, in *Chambers and Partners USA Leading Lawyers for Business*, and a "Litigation Star" by *Benchmark Litigation*. Ms. Pavey is a member of the American Board of Trial Lawyers, American Association of Justice and the American Inns of Court. Ms. Pavey practices and is recognized for her work in both commercial and personal injury litigation matters.

Paul H. Sato has been named to *The Best Lawyers in America*® list. Mr. Sato is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible, for his skill and integrity. He is a seasoned litigation attorney who has over 40 years of experience and focuses on commercial litigation, real estate law, corporate law and administrative law.

Stephanie E.W. Thompson has been named to *The Best Lawyers in America*® list, selected to *Hawaii Super Lawyers*® list, in *Chambers and Partners USA Leading Lawyers for Business* and named a "Future Star" by *Benchmark Litigation*. Ms. Thompson is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for skill and integrity, and served as the 2015 Chairperson of the Litigation Section of the Hawaii State Bar Association.

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BUSINESS FOCUSED REAL ESTATE ATTORNEYS

Starn O'Toole Marcus & Fisher's real estate and business law attorneys are known for sophisticated case analysis and innovative business solutions for complex matters. Our attorneys have significant experience in real estate development and transactions, hotels, hotel management agreements, corporate finance, international transactions, secured transactions, mergers and acquisitions, construction law and complex commercial matters, in Hawaii, the US and internationally.

The firm's impressive skill and experience in strategic case planning, ingenious solutions and powerful negotiations in all aspects of complex real estate transactions has opened many doors for domestic and international clients, and have helped many navigate Hawaii's complex land use and permitting laws.

OUR TRANSACTIONAL APPROACH AND ATTORNEYS

Starn O'Toole Marcus & Fisher transactional attorneys have an innate talent for critical thinking through each complex commercial matter. What's more, they excel in solving the pieces of a puzzle, examining the players, unraveling the details of agreements and handshake deals, to identify the keys that will give the client the clear advantage.

In today's complex competitive environment, firm transactional attorneys shine when approaching the deal table. Strong, experienced and prepared for endless possible moves and counter-moves, firm attorneys drive for exceptional results for every client whether they are a family owned business or an international corporation.

Our transactional attorneys are recognized by *The Best Lawyers in America*®, *Chambers and Partners USA Directory of Leading Lawyers for Business*, *The Bar Register of Preeminent Lawyers*™ and selected to the Hawaii *Super Lawyers*® list.

All Starn O'Toole Marcus & Fisher transactional Directors are rated AV Preeminent®, the highest rating possible given by *Martindale-Hubbell*®, a distinction given by our legal peers for achieving the highest standards for professional skill, ethics and integrity.

Directors

Trevor A. Brown is recognized by *The Best Lawyers in America*® for both business and litigation matters, named by *The Best Lawyers in America*®, "Lawyer of the Year" in Honolulu multiple times, selected to the "Top 25" Hawaii *Super Lawyers*® list, is in *Chambers and Partners USA Leading Lawyers for Business* and *Chambers and Partners High Net Worth Guide* and named a "Litigation Star" by *Benchmark Litigation*. Mr. Brown is often called upon to work on client matters that require business and litigation strategy.

Norman H.Y. Cheng is Managing Director of the firm. Mr. Cheng has been named to *The Best Lawyers in America*® list, selected to the "Top 25" Hawaii *Super Lawyers*® list, is in *Chambers and Partners USA Directory of Leading Lawyers for Business*. Mr. Cheng is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for his skill and integrity. He practices in the area of real estate law, and participates on many non-profit boards.

Duane R. Fisher has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*®, selected to the "Top 25" Hawaii *Super Lawyers*® list, in *Chambers and Partners USA Directory of Leading Lawyers for Business* and is recognized for his expertise in real estate, corporate and construction law.

Ivan M. Lui-Kwan has been named "Lawyer of the Year" in Honolulu by *The Best Lawyers in America*® and selected to the Hawaii *Super Lawyers*® list. Mr. Lui-Kwan is rated AV Preeminent® by *Martindale-Hubbell*®, is

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the Ambassador to the US for the Maori King Tuheitia, and National Board Member of The American Judicature Society.

Kenneth B. Marcus has been named “Lawyer of the Year” in Honolulu by *The Best Lawyers in America*®, selected to the “Top 25” Hawaii *Super Lawyers*® list, in *Chambers and Partners USA Directory of Leading Lawyers for Business* and is a member of the International Society of Hospitality Consultants (ISHC). Mr. Marcus has structured numerous successful hotel management agreements and authored the Hawaii State Bar Association Real Estate Manual chapter.

Christina N. Ohira has been named to *The Best Lawyers in America*® list and selected to the Hawaii *Super Lawyers*® Rising Star list. Ms. Ohira concentrates her practice in the areas of real estate and commercial transactions, and has received Martindale-Hubbell's® highest possible “AV Preeminent®” rating for her legal skill and integrity.

Lindsay E. Orman has been named to *The Best Lawyers in America*®: *Ones to Watch* list, *Chambers and Partners USA Leading Lawyers for Business*, Hawaii *Super Lawyers*® Rising Star list, and is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for her skill and integrity. Ms. Orman focuses her practice in areas of real estate and land use law, business law, and legislative and government relations work. Ms. Orman served as a law clerk to Chief Judge Emily Hewitt in the United States Court of Federal Claims in Washington, DC. She is admitted to the Hawaii Bar and earned her Juris Doctor from The George Washington University Law School, graduating with “High Honors.”

Sara S.T. Strona has been named to *The Best Lawyers in America*®: *Ones to Watch* list, selected to the Hawaii *Super Lawyers*® “Rising Star” list, and is rated AV Preeminent®, *Martindale-Hubbell's*® highest rating possible for her skill and integrity. Ms. Strona focuses her practice in the areas of real estate, commercial transactions, and business structure and operations. She is admitted to the Hawaii Bar and earned her Juris Doctor and Master of Business Administration from the University of Hawaii William S. Richardson School of Law and Shidler College of Business.