

# STARN • O'TOOLE • MARCUS & FISHER

A LAW CORPORATION



**Director**

alautenbach@starnlaw.com  
(808) 537-6100

**Education:**

**University of San Francisco School of Law**  
J.D. (2005)

Cum Laude

CALI Award for Excellence – Real Estate  
Transactions - 20th percentile

**University of Colorado at Denver**

BS Business Administration, Finance (May 2002)  
Summa Cum Laude

Named "Outstanding Senior" by the Business  
School (1st in class)

Received "Academic Athlete Award"

Dean's List 1999-2002

**Judicial Externships:**

Judge David Alan Ezra – United States District  
Court for the District Court of Hawaii

Judge Helen Gillmor – United States District  
Court for the District Court of Hawaii

**Areas of Practice:**

Commercial Litigation

**Professional Activities:**

Licensed in California

Licensed in Hawaii

Admitted to practice in the United States District  
Court for the Northern District of California

Admitted to practice in the United States District  
Court for the District of Hawaii

Admitted to practice in the United States Court of  
Appeals for the Ninth Circuit

American Bar Association Member

State Bar of California, Licensed to Practice  
November 2005

Hawaii State Bar Association, Licensed to Practice  
November 2007

## ANDREW J. LAUTENBACH

Mr. Lautenbach is a member of the bar of the State of Hawaii and the State of California. 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 12 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 Lawyer** 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 Hawaii** list, Real Estate and Commercial Litigation, and as a "Litigation Star" by **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:

*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.

Mr. Lautenbach's oral argument before the Hawaii Supreme Court can be heard in its entirety online.

*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. AOA* – 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. AOA* – Represented resort manager in dispute with an Association of Apartment Owners concerning, among other things, the AOA'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.