

Director
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Education:
University of San Francisco School of Law
J.D. (2005), Cum Laude
CALI Award for Excellence – Real Estate Transactions

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 Hawaii (2007)
Licensed in California (2005, Inactive)
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
Lawyer Representative, Ninth Circuit Court of Appeals Judicial Conference, 2017-2019
Rotary Foundation Chair and board member serving the Rotary Club of Metropolitan Honolulu
Federal Defense Corporate Counsel, Member, (2022-present)

ANDREW J. LAUTENBACH

Hawaii litigation lawyer Andrew J. Lautenbach is a Director at Starn O'Toole Marcus and Fisher 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 15 years of experience in complex commercial litigation and holds ***Martindale-Hubbell's®*** highest possible professional rating *AV®*. He has been selected for inclusion by his peers to the **"Top 25"**, Hawaii ***Super Lawyers®*** list in 2024 and 2025, and has been selected to the **Hawaii *Super Lawyers®*** list each year since 2016, and 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 named to ***The Best Lawyers in America®*** list in the practice areas of Appellate Practice, 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 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.

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. 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.