Gregory W. Kugle
Director

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Practice

- Alternative Dispute Resolution
- Appellate
- Construction
- Insurance Coverage Litigation
- Land Use Litigation
- Real Estate

Education

- Univesity of Hawaii, William S. Richardson School of Law (J.D. 1995)
- Southern Methodist University, Edwin L. Cox School of Business (B.B.A. Finance, Honors in the Liberal Arts 1989)
- Punahou School (1985)

Greg Kugle concentrates his practice in the area of litigation and appeals. His litigation practice primarily involves the areas of commercial disputes and business litigation, construction disputes, land use and real estate litigation. He also represents clients in aviation, bankruptcy, employment, personal injury and insurance coverage cases. He has litigated cases in the State of Hawaii District and Circuit Courts, the Hawaii Bankruptcy Court and United States District Court for the District of Hawaii, and has handled appeals before the Hawaii Intermediate Court of Appeals, the Hawaii Supreme Court and the Ninth Circuit Court of Appeals.

Greg once again was selected by his peers to the 2021 Best Lawyers in America list in the fields of Aviation Law, Commercial Litigation, Construction Law, Land Use & Zoning Law, Litigation-Construction, Litigation-Land Use & Zoning, and Real Estate Law. He was Best Lawyers' Lawyer of the Year in 2017 for Litigation-Land Use & Zoning, and 2013 Lawyer of the Year in Land Use & Zoning Law. Greg is also listed in Super Lawyers in General Litigation. Some examples of his work include:

- Land Use Litigation:

Successfully litigated inverse condemnation and vested rights claims of property owners against State and local governments. Successfully defended the land use entitlements of the Ho'opili project before the Hawaii Supreme Court and lower courts. Defended property owners from zoning violations and lawsuits related to transient vacation rental industry. Advised clients on Army Corps and EPA wetlands matters. Represented property owners in eminent domain proceedings initiated or threatened by the State and by the counties. Represented oceanfront landowners on Maui, Oahu, Kauai and Molokai with respect to shoreline certification, shoreline setback, seawall and fish pond issues. Defended property owners in enforcement actions by State and local zoning enforcement authorities concerning clean water, grubbing, grading, and building and zoning code violations. Represented clients before numerous governmental agencies including the Board of Land and Natural Resources, the Land Use Commission, Zoning Boards of Appeal, Planning Commissions, Department of Planning and Permitting, State Historic Preservation Division, and other land use agencies.

- Construction:

Represented owners, general contractors, subcontractors, suppliers and

design professionals in all manner of construction disputes, including mechanics' liens, construction defects, delay claims, and construction site injury claims. Represented construction industry clients in State and Federal court litigation, arbitration and mediation. Litigated and arbitrated construction disputes on such projects as the First Hawaiian Tower, Lowe's at Kona, Discovery Bay, One Archer Lane, Waikiki Duty Free Shop, International Market Place, the Honolulu Airport and the Queens Medical Center West.

- Real Estate:

Represented buyers and sellers in litigation and arbitration arising out of purchase and sale transactions, and handled boundary, easement, covenant and restriction, and adverse possession cases. Represented landlords and tenants in both commercial and residential landlord-tenant disputes. Advised and represented property owners and industry organizations regarding short-term and transient vacation rentals, and defended property owners from claims of transient vacation rental violations by private parties and county enforcement agencies.

- Commercial and Business Disputes:

Successfully prosecuted and defended litigation and arbitration, as well as mediation, of all manner of commercial and business disputes, representing clients as large Fortune 500 companies and as small as sole proprietors. Litigated cases involving trade secrets, unfair competition, complex accounting and tax issues, non-competition clauses, deceptive trade practices, intellectual property disputes (trademark, tradename, copyright and patent litigation), and simple failure to pay or perform. Defended class action lawsuits involving monopoly and tying claims and employment claims.

- Aviation:

Defended aircraft (both helicopter and fixed wing) owners and operators, as well as maintenance providers, in fatal aviation crash cases arising on all major Hawaiian Islands, including those involving pilot error and mechanical failure. Litigated cases involving operations under FAR parts 91 and 135. Prosecuted claims against equipment manufacturers and maintenance providers. Litigated claims involving aviation fuel suppliers, airport access, cargo damage and aviation-related employment.

- Bankruptcy and Creditors Rights:

Represented large aircraft lessor in the Hawaiian Airlines and Aloha Airlines bankruptcies. Represented creditors, trustees and professionals in many of the larger Chapter 11 and 7 cases in Hawaii, and defended and prosecuted adversary proceedings and preference actions.

- Employment Litigation:

Represented employers in discrimination, harassment and wrongful termination claims, including EEOC and Hawaii Civil Rights Commission claims. Conducted anti-harassment and anti-discrimination training. Investigated claims by employees.

- Insurance Coverage:

Prosecuted and defended insurance coverage claims, representing both insurers and insureds, involving Fidelity, E&O, CGL, Homeowners, and Excess policies. Conducted coverage investigations for insurance carriers.

Professional & Community Affiliations

- American Bar Association
  - Litigation Section
  - Condemnation, Zoning and Land Use Committee
  - Forum on the Construction Industry

- Hawaii State Bar Association
  - Real Property and Financial Services Section (Director (2005-2009), Secretary (2006), Treasurer (2007), Vice Chair (2008), Chair (2009)
  - Natural Resources Section
  - Labor and Employment Section
  - Bench and Bar Conference (multiple years)

- Certified Commercial Investment Member, Hawaii Chapter
  - Board of Directors (2007-2009)
  - Co-Chair Sponsorship Committee (2007-2009)
  - Chair Membership Committee (2008)

- Honolulu Theater for Youth
  - Board of Trustees (1997-2000)
  - Nominating Committee (1998-1999)
  - Secretary and Executive Committee (1999-2000)

- Kailua United Methodist Church
  - Chairman, Council of Ministries (1997-2000)
  - Administrative Board (1997-2000)
  - Board of Trustees (2000-2008)
  - Chairman, Board of Trustees (2007)

- Meritas Law Firms Worldwide
  - Leadership Institute 2006-2007
  - Business Development Committee (2008-2009)
  - Board of Directors (2012-2014)
  - Finance Committee

- Urban Land Institute, Hawaii District (2002-2009)
- United States District Court Conference – Lawyer Delegate (2009-2012)
- Make-A-Wish Hawaii Board member (2014-2017),Executive Committee (2015-2017)

Representative Reported Cases

- Hawaii Appellate Courts
  - Hindman v Microsoft Corporation, 2004 Haw. LEXIS 311 (Haw. 2004)
  - Pono v. Molokai Ranch, Ltd. 119 Hawai'i 164 (Haw. App. 2008), cert. den. 2008 Haw. LEXIS 304 (Haw. 2008)
  - Unite Here! Local 5 v. City and County of Honolulu, 123 Hawai'i 150 (Haw. 2010) (amicus)
  - Pavsek v. Sandvold 127 Hawai'i 390 (Haw. App. 2012)
  - Mikelson v. United Services Automobile Assoc., 2013 Haw. LEXIS 338 (Haw. Oct. 3, 2013)
  - Friends of Makakilo v. D.R.Horton-Schuler Homes, LLC, 134 Hawai'i 135 (Haw. 2014)
  - Sierra Club v. D.R.Horton-Schuler Homes, LLC, 136 Hawai'i 505 (Haw. 2015)

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Federal and Bankruptcy Courts

- Employers Ins. Of Wausau v. Price Aircraft Co., LLC, 283 F.Supp.2d 1144 (D. Haw. 2003)
- Research Data Group, Inc. v. Snegosky, 2010 Bankr. LEXIS 2088 (Haw. Bankr. Jun. 29, 2010)
- Lindsey v. CUNA Mutual Ins. Soc., 2010 U.S. Dist. LEXIS 116250 (D. Haw. Oct. 29, 2010)
- Field v. Levin, 2011 U.S. Dist. LEXIS 87745 (D. Haw. Aug. 8, 2011)
- Lum v. Go Wireless, Inc. 2011 U.S. Dist. LEXIS 146565 (D. Haw. Dec. 20, 2011)
- Shultz & Tamm v. Brown, 2012 Bankr. LEXIS 380
- Simms v. University Health Alliance, 2010 U.S. Dist. LEXIS 41307 (D. Haw. Apr. 27, 2010)
- Coles v. Eagle, 2013 U.S. Dist. LEXIS 61527 (D. Haw. Apr. 29, 2013)
- Coles v. Eagle, 2014 U.S. Dist. LEXIS 72130 (D. Haw. May 27, 2014)
- Coles v. Eagle, 2014 U.S. Dist. LEXIS 143466 (D. Haw. Oct. 8, 2014)
- Coles v. Eagle, 2014 U.S. Dist. LEXIS 146193 (D. Haw. Oct. 14, 2014)

Publications/Speaker

- Speaker, Real Estate Litigation Update, HSBA RPFSS, October 19, 2018
- Speaker, Easements In Hawaii, the Seminar Group, September 13, 2018
- $haring Economy $ymposium, February 17, 2017, University of Hawai'i at Manoa, William S. Richardson School of Law
- Advanced Zoning And Land Use In Hawaii, January 17, 2007, Lorman Educational Services
- Advanced Zoning And Land Use In Hawaii, January 24, 2006, Lorman Educational Services
- Advanced Zoning And Land Use In Hawaii, January 27, 2005, Lorman Educational Services
- Advanced Zoning And Land Use In Hawaii, January 29, 2004, Lorman Educational Services
- Arrow of Time: Vested Rights, Zoning Estoppel, and Development Agreements in Hawaii, 27 University of Hawaii Law Review, 1 (2004)
- Construction Claims In Hawaii, October 6, 2006, Lorman Educational Services
- Construction Claims In Hawaii, August 12, 2005, Lorman Educational Services
- Construction Claims In Hawaii, October 7, 2004, Lorman Educational Services
- Construction Claims In Hawaii, October 10, 2003, Lorman Educational Services
- Construction Claims In Hawaii, October 9, 2002, Lorman Educational Services
- Construction Claims In Hawaii, October 19, 2001, Lorman Educational Services
- Creative Strategies For Construction Risk Allocation, July 30, 2003, Lorman Educational Services
- Creative Strategies For Construction Risk Allocation, July 16, 2002, Lorman Educational Services
- Creative Strategies For Construction Risk Allocation, May 30, 2001, Lorman Educational Services
- Debate, Mitigate or Wait: Addressing the Unexpected Archeological Features On The Construction Site, April 25, 2008, ABA Forum on the Construction Industry (speaker/author)

- Hawaii Water Law, January 11, 2012, The Seminar Group
- Labor And Employment Seminar: Reducing Risks Of Employment Lawsuits, June 20, 2002
- Land Use Law Update, September 25, 2002, National Business Institute
- Lien and Bond Claims in the 50 States, American Subcontractors Association, Hawaii Chapter 2012
- Major Land Use Laws In Hawaii, March 11, 2003, National Business Institute
- Preventing Website Legal Problems, August 21, 2001, Chamber of Commerce of Hawaii
- Preventing e-Commerce Legal Problems, September 26, 2000, Chamber of Commerce of Hawaii
- Real Property Litigation Update (Speaker/Moderator), November 5, 2013, Real Property and Financial Services Section 2013
- Zoning and Land Use In Hawaii, May 20, 2005, Lorman Educational Services
- Zoning and Land Use In Hawaii, May 20, 2004, Lorman Educational Services
- Zoning And Land Use In Hawaii, May 20, 2003, Lorman Educational Services
- Zoning, Subdivision and Land Development Law in Hawaii, February 20, 2009, Lorman Educational Services