

RESUME OF JERRY M. HIATT

Mr. Hiatt graduated with honors from Harvard University in 1973. He received his J.D. from the University of Hawai'i at Manoa, William S. Richardson School of Law in 1977 under a grant from the University of Hawai'i's East-West Center. During Mr. Hiatt's final year of law school, he attended Harvard Law School as a visiting student and was selected as an editor of the Harvard Environmental Law Review. Mr. Hiatt clerked for the firm of Baker and McKenzie in Hong Kong in 1975, and then for the firm now known as Carlsmith Ball LLC in 1976.

He joined the Carlsmith firm in 1977 as an associate. He became a partner with the Carlsmith firm in 1983 and assisted in directing the Real Estate and Business Litigation section of that firm, before leaving to help form Bays Deaver Hiatt Kawachika & Lezak in 1986. He founded his own firm, now known as Hiatt & Hiatt, in January 2001 and he had a general civil litigation practice, with his partner, Mahilani Hiatt based in Honoka'a, Hawai'i until about 2018 when he became a full time neutral mediator and arbitrator. Since becoming a full time neutral, he has settled between 500 and 1000 cases in mediation and has conducted more than 30 arbitration trials in labor and civil matters. Thus far in 2025 he has conducted six full arbitration trials in both labor and complex civil matters all leading to awards which are either issued or pending completion. Many of Mr. Hiatt's labor arbitrations (approximately 20 to date) have involved hearing and resolving disputes between Oahu Transit Services (The Bus) and the Teamsters Local 996.

Prior to becoming a full time neutral Mr. Hiatt has had extensive trial and arbitration experience in a wide variety of cases representing both plaintiffs and defendants. He has represented both plaintiffs and defendants in legal and medical malpractice claims, construction claims, partnership claims, banking claims, employment claims, and personal injury claims. He has also served as a neutral arbitrator and mediator, in a wide variety of complex claims.

Some of the cases Mr. Hiatt has litigated, arbitrated and/or handled on appeal include the following. (Individual labor arbitrations are not listed as they are too numerous, * = full civil jury trial to verdict; *** = full civil bench trial to verdict; ** = full arbitration to award which was then satisfied, or which was followed by court confirmation of the arbitration award.)

1. *WDC Ventures v. Charles Pankow*, Civil No.____, First Circuit Court (early 1980's)* (pile driving claim).
2. *Lillian Pedro v. Carlsmith, et al.*, Third Circuit Court, Hilo, early 80's (legal malpractice claim).
3. *Amfac v. Riblet*, Civil No. _____, Second Circuit Court, Hawaii (1986)* (tram failure claim).
4. *Stanley Joseph, et al. v. United States of America, et al.*, U.S. Dist. Ct. Civ. 87- 0201 (1988) *** (auto accident claim).
5. *Morishige v. Spencecliff Corp.*, 720 F. Supp. 829, U.S.D.C. (D. Haw. 1989)

(employment claim).

6. *Anzai v. Spencecliff Corp.*, Civil No. 89-0-000472, First Circuit Court, Hawaii (1990) (class action of restaurant workers for health benefits).

7. *Eugenia Parnar v. Americana Hotel Inc., et al.*, Civil No. 52878, First Circuit Court, Hawaii (1989). (This portion of the Parnar case involved an attorneys' fee lien claim on behalf of the firm of Green, Ning, Lilly & Jones, Parnar's former counsel, for fees earned in representing her in her underlying case. Mr. Hiatt conducted the bench trial for the law firm before Judge Oshiro in September 1989; the law firm prevailed at trial and on appeal in Hawaii Supreme Court, No. 14203*** (legal malpractice and unpaid fees claim).

8. *In Re The Ferdinand John Henry Schnack and Mary Pearson Schnack Trust*, S.P. No. 92-0268, First Circuit Court, Hawai'i (1982) (family trust dispute).

9. *Calleon v. Miyagi*, 76 Haw. 310, 876 P.2d 1278 (Haw. 1994)* (wrongful termination and whistleblower claims).

10. *Mathewson v. Aloha Airlines, Inc.*, 82 Haw. 57, 919 P.2d 969 (Haw. 1995)** (wrongful termination claim).

11. *Stratton v. Hawaii Electric Light Company*, Nos. 95-16142, 95-17262, United States Court of Appeals for the Ninth Circuit 1996 U.S. App. LEXIS 33151, (1996) * (disability discrimination claim).

12. *Shelton Higa, et al. v. Straub Hospital and Clinic, et al.*, Civil No. 94-0-002126, First Circuit Court, Hawaii (1996) * (medical malpractice claim).

13. *Mailhiot v. Grand Wailea Co.*, 85 Haw. 83, 937 P.2d 924 (Haw.1997)** (wrongful termination claim).

14. *Pancakes of Hawaii v. Pomare Properties Corp.*, 85 Haw. 286, 944 P.2d 83 (Haw. App. 1997) (lease dispute).

15. *William L. Theobald v. Thomas E. Harrison, M.D.*, Civil No. 94-0302, Fifth Circuit Court, Hawaii (1997) * (medical malpractice claim).

16. *Sosimo B. Tabieros, et al. v. Clark Equipment Company, et al.*, Civil No. 88-0-003025, First Circuit Court, Hawaii; First trial 1990, followed by appeal to Hawaii Supreme Court (1992) * (dock worker personal injury and product liability claim).

17. *Sosimo B. Tabieros, et al. v. Clark Equipment Company, et al.*, Civil No. 88-0-003025, First Circuit Court, Hawaii; Second trial 1993; followed by second Hawaii Supreme Court appeal (1997); 85 Hawai'i 336, 944 P.2d 1279 (1997) * (dock worker personal injury and product liability claim).

18. *Finley v. Home Insurance et al.*, 90 Haw. 25, 975 P.2d 1145 (Haw. 1998) (insurance

coverage claim).

19. *Richard Goodell, et al. v. Nancy Smith*, Civil No. ___, Third Circuit Court, Hawaii (1998)* (domestic partnership claim).

20. *Lisa N. DeMello v. Hawaiian Electric Company, Inc., et al.*, Civil No. 97-2829- 07, First Circuit Court, Hawaii (1999)* (employment claim).

21. *Gonsalves v. Nissan*, 100 Haw. 149, 58 P.3d 1196 (Haw. 2002)* (wrongful termination claim).

22. *Morita v. County of Hawaii*, 2002 Haw. LEXIS 142 (2000)* (wrongful death claim).

23. *In Re the Matter of The Marilyn Mueller Goss Family and Marital Trusts*, T. No. 03-1-0023, First Circuit Court, Hawai'i (family trust dispute).

24. *Jaz, Inc. v. Foley*, 104 Haw. 148, 85 P.3d 1099 (Haw. App. 2004)* (business dispute).

25. *Sheryll Kaniho and Guy Kaniho v. Alistair Bairos, M.D., et al.*, Civil No. 04-1-0139K, Third Circuit Court, Hawaii (2006) * (medical malpractice claim).

26. *Sue M. Meyers, individually and as Special Administrator of the Estate of Austin Kainalu Meyers, et al. v. Department of Education State of Hawaii, et al.*, Civil No. 04-1-0253, Third Circuit Court, Hawaii (2006)* (wrongful death claim).

27. *Metzler Contracting Co. LLC and John Metzler v. Elle Stephens, et al.*, 2007 U.S. Dist. LEXIS 48760 (2007) (defamation claim).

28. *Mr. and Mrs. Paul Stephens v. Metzler Contracting Co. LLC*, Case No. 74 110 Y 00339 06, American Arbitration Association Construction Industry Tribunal (2010)** (construction claim and counterclaim).

29. *KTS Properties, LLC v. Peter Skaaning*, Civ. No. 09-00433, United States District Court of Hawai'i (2010) (partnership/employment claims)

30. *Lynch v. Choy et al*, FINRA Arbitration No. 09-06111 (2011)** (claim on promissory note and wrongful termination claim).

31. *AOAO of the Fairways at Mauna Lani v. Stanford Carr Development et al*, DPR No. 07-0347-A (2012) and *AOAO of The Fairways at Mauna Lani v. Metcalf Construction Company, Inc., et al.*; S.P. No. 12-1-018K, Third Circuit Court, Hawai'i (2012)** (construction defect claim).

32. *Metzler Contr. Co. LLC v. Stephens*, No. 11-15749, No. 11-15833, United States Court of Appeals for the Ninth Circuit, 479 F. App. 783; 2012 U.S. App. LEXIS

14924, Honolulu, Hawai'i, (2012) (appeal of arbitration award).

33. *Linda Yoshiko Nakagawa v. Johnston LLC*, et al., Civil No. 13-1-0567, Third Circuit Court, Hawai'i (2014) (claim for accounting of LLC and counterclaims on promissory note).

34. *The Uplands at Mauna Kea Community Association v. Mauna Kea Properties, Inc. nka Mauna Kea Resort Services LLC via merger; et al.*; Civil No.14-1-118K, (2014) and *Mauna Kea Resort Services, LLC v. The Uplands at Mauna Kea Community Association*; Civil No. 14-1-125K; Third Circuit Court, Hawai'i (2014) (homeowners association claims regarding common expenses).

Mr. Hiatt is rated "Av" in the Martindale–Hubbell Legal Directory. He has been included in the publication, Best Lawyers in America, each year from 1994 through the present. In the Best Lawyers in America directory, he is currently listed in the following eight separate categories: 1) Bet-the-Company Litigation; 2) Commercial Litigation; 3) Employment Law – Individuals; 4) Litigation – Labor and Employment; 5) Medical Malpractice Law – Defendants; 6) Medical Malpractice Law – Plaintiffs; 7) Mediation; and 8) Arbitration.

Mr. Hiatt is also a past member of the American Board of Trial Advocates and the National Board of Legal Specialty Certification where he was certified in both Civil Pre-trial Practice Advocacy and Civil Trial Advocacy. Mr. Hiatt is on the mediation and arbitration panels for Dispute Prevention & Resolution, Inc. ("DPR"), and the American Arbitration Association ("AAA"), the mediation panel for the National Association of Securities Dealers, and he has been selected as a member of the National Academy of Distinguished Neutrals.

Mr. Hiatt has received extensive training in both mediation and arbitration, including completion of the following courses:

1. Mediation: The Art of Facilitating Settlement offered through the Straus Institute for Dispute Resolution, Pepperdine University School of Law;
2. AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002);
3. AAA Dealing with Delay Tactics in Arbitration (ACE004);
4. AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005);
5. AAA Arbitrator Ethics & Disclosure (ACE003);
6. AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001);
7. Arbitrator II: Advanced Case Management Issues; and
8. Commercial Arbitrator Training.

Mr. Hiatt has been a speaker and/or a panelist at various employment law and trial practice

seminars. He also served as an adjunct instructor in construction law at the University of Hawaii for two years in their Architecture Program. Publications Mr. Hiatt has authored or contributed to include The Rejection of Cumis: Where Do We Go From Here? HAWAII BAR JOURNAL 1999, Nine Tips For The Trial Lawyer, HAWAII BAR JOURNAL 1997, and The Revised Uniform Arbitration Act and Its Impact Upon the Bargaining Arbitration Process, HAWAII BAR JOURNAL 2014.

FEE SCHEDULE

\$450.00/hr (+get). No fee for cancellation or travel time. Any coach airfare, hotel and meals for travel expenses beyond the Big Island are charged to the parties.