



Dustin T. Greene

Partner

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Services

Complex Commercial Litigation

Directors & Officers Litigation

Litigation

Securities

Securities Litigation

Industries

Financial Services

Dustin Greene litigates complex commercial, securities, construction, real estate development, and Native American legal issues, for both plaintiffs and defendants. Mr. Greene has experience in arbitration, federal courts across the country, and has significant experience in North Carolina state court, the Business Court, and at all levels of North Carolina's appellate courts. As trial counsel, Mr. Greene has guided his clients to favorable outcomes, including securing a settlement for plaintiffs in a condominium construction defect case that was recognized as one of the largest settlements or verdicts of 2015.

Prior to entering the legal profession, he served as an Army Ranger in Afghanistan and Iraq, where he earned, among other honors, the Combat Parachutist Badge. He also appears in the CBS News photo essay [What it takes to be an Army Ranger](#).

He was recognized as a North Carolina "Rising Star" for General and/or Business Litigation in 2014-2018 by *Super Lawyers* magazine, and was named one of the *Triad Business Journals* "40 Leaders Under 40" in 2017. In 2014, he was appointed by North Carolina's Governor to be a member of the North Carolina Private Protective Services Board, where he served as chair of the grievance committee until January 2018. In 2018, Mr. Greene received the Citizen Lawyer Award for 2018 from the North Carolina Bar Association. This award is given to ten select attorneys each year who provide exemplary public service to their communities.

Experience

Represented multiple grading and hauling sub-contractors in pursuing claims under North Carolina's Little Miller Act against the payment bond for work performed on a public airport construction project.

Successfully defended North Carolina developers of a large shopping center in efforts by a business partner, a commodities hedge fund, to recover its investment under a guaranty agreement. A panel of arbitrators ruled in



favor of our clients, holding that as the default was only of the hedge fund's guaranty due to its own misconduct, the contribution provisions of the parties' operating agreement were not implicated and no amount was recoverable from the other guarantors.

Representing Krispy Kreme Doughnut Corporation in litigation brought by plaintiffs who claim that Krispy Kreme breached an agreement to permit them to function as its agent to locate a franchisee in the Philippines and also committed unfair trade practices and other business torts. The Court dismissed all claims brought by two individual plaintiffs against Krispy Kreme, as well as the sole remaining plaintiffs fraud and unfair trade practices claims. Summary judgment motion on remaining claims is pending. *K2 Asia Ventures v. Krispy Kreme*, 09 CVS 2766 (Forsyth County filed Apr. 7, 2009).

Represented the defendant, a Canadian unlimited liability company, in *SmartStop Self Storage Operating Partnership, L.P v. Can-Dev, ULC*, in an action filed in California over interpretation and enforcement of contracts for the development of self-storage properties. The plaintiff filed a preemptive declaratory judgment action in its home court, but less than three months later the Court granted our motion to dismiss for lack of personal jurisdiction. This result enabled our client to get the case out of the plaintiffs home forum, and litigate its contract claims in a more convenient forum.

Represented Branch Banking & Trust Company (BB&T) as plaintiff in a case against a former employee for misappropriation of trade secrets and for failure to repay a substantial loan due upon termination of employment. Obtained a directed verdict, dismissing all counter-claims asserted by the former employee. *Branch Banking and Trust Co. v. Sherwood*, 07 CVS 3900 (Forsyth County filed June 5, 2007).

Represented directors and officers of a publicly traded company managing senior living facilities in a derivative action asserted by minority shareholders alleging breach of fiduciary duty. Successfully obtained dismissal of all direct claims.

Represented the owner and developer of a luxury condominium building in downtown Winston-Salem in a construction negligence and trespass action in which the plaintiff alleged the construction of the condominium building damaged the adjacent structure.

Representing a debt buyer and its counsel in a class action filed against them alleging violations of the Fair Debt Collections Practices Act. The case settled after we moved to dismiss the action on grounds that the relief requested would violate the Petition Clause of the United States Constitution. The class settlement was approved by the federal court for the Middle District of North Carolina.

Provided consultation and analysis for possible claims arising from design and construction defects, as well as negligent maintenance, of a high rise hotel in downtown Atlanta.



Represented grading sub-contractors in an action alleging negligent construction of roadways in a luxury residential development in the mountains of North Carolina.

Defended DISH Network against third-party claims for indemnity and for violation of North Carolina's Unfair and Deceptive Trade Practices Act arising from the plaintiff's unauthorized broadcast of multiple pay-per-view boxing matches without a commercial license. Successfully obtained dismissal of all claims against DISH Network on the grounds that they were preempted by the Federal Communications Act.

Represented the plaintiff Trillium Ridge Condominium Association in pursuing claims for the defective design and construction of six high-end condominium buildings in the mountains of North Carolina, as well as claims for breach of fiduciary duty against the developers of the condos. After the North Carolina Court of Appeals unanimously reversed the trial court's decision to dismiss the case, the Association's claims went to trial, which lasted nearly two weeks. After all of the defendants' motions for directed verdict were denied, and after closing arguments, the defendants agreed to settle all claims asserted by the Association for more than \$3,000,000. This represents a near full recovery of all sums spent by the Association to repair the condominium buildings, including the repairs to two buildings that were completed outside of North Carolina's six year statute of repose.

Defended Broyhill Furniture Industries, Inc. (Broyhill) in breach of contract claim arising from allegations that Broyhill refused to pay the plaintiff for heat provided to a warehouse used by Broyhill. The case involved novel issues of contract interpretation and damages theories. The court granted our motion for summary judgment and denied the plaintiff's motion to amend its complaint to allege extra-contractual theories of recovery, which resulted in a dismissal of all claims against our client. The Court of Appeals, in a 2-1 decision, affirmed summary judgment for Broyhill. The plaintiff appealed to the North Carolina Supreme Court, which issued a unanimous opinion adopting the COA's majority decision and affirming summary judgment for Broyhill. *Micro Capital Investors, Inc. v. Broyhill Furniture Indus., Inc.*, 728 S.E. 2d 376 (N.C. Ct. App. 2012), *aff'd.*, 736 S.E.2d 172 (N.C. 2013).

Successfully defended Furniture Brands International, Inc. and one of its subsidiaries, in litigation brought by two former employees involving claims of sexual harassment under Title VII. The former employees alleged that they were subjected to sexual harassment by their former manager. All of the state law claims were dismissed on summary judgment, along with the Title VII claims of retaliation and constructive discharge, leaving only the plaintiffs' hostile work environment claims for trial. The jury returned its verdict in our client's favor. *Pascoe, et al. v. Furniture Brands International, Inc., et al.*, No. 3:10-cv-00193 (W.D.N.C. filed Apr. 22, 2010).

Represented Governor Mark Sanford in the South Carolina Supreme Court and the United States District Court in connection with his efforts to shift control of the use of federal stimulus funds from the state legislature to the governor.



Education

Wake Forest University School of Law, J.D. (2008) *magna cum laude*

Appalachian State University, B.S. (2000) *cum laude*

Admissions

North Carolina (2008)

Court Admissions

U.S. District Court for the Middle District of North Carolina (2008)

U.S. District Court for the Eastern District of North Carolina (2009)

U.S. District Court for the Western District of North Carolina (2009)

U.S. District Court for the Western District of Oklahoma (2016)

U.S. District Court for the Western District of Texas (2018)

North Carolina Business Court (2009)

U.S. Court of Appeals for the Fourth Circuit (2009)

U.S. Court of Appeals for the Tenth Circuit (2017)

U.S. Court of Appeals for Veterans Claims (2012)

Tribal Court for the Eastern Band of Cherokee Indians (2013)

U.S. Court of Federal Claims (2016)

Professional & Community Activities

Boy Scouts of America, Old Hickory Council Executive Board, Member

Chief Justice Joseph Branch Inn of Court, Barrister

The Little Theater of Winston-Salem, Board Member

North Carolina & Forsyth County Bar Associations, Member

Leadership Winston-Salem Graduate, Class of 2015

Northwest Piedmont Purple Heart Foundation, Inc., Secretary and Founding Board Member (2013-2015)

4ALL Service Day, 2016 Winston-Salem Site Co-Chair

Insights

[Perspectives](#)

6 Key Takeaways | North Carolina Business Court: Overview and Analysis of the 2018-2019 Term



June 7, 2019

[In The News](#)

35 Kilpatrick Townsend Attorneys Named to the North Carolina Pro Bono Honor Society
May 24, 2019

[News Releases](#)

Dustin Greene Selected as an Honoree of the NCBA 2018 Citizen Lawyer Award
March 6, 2018

[In The News](#)

Kilpatrick Townsends Dustin Greene Receives the Citizen Lawyer Award from the North Carolina Bar Association
March 2, 2018

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2018 North Carolina Super Lawyers
February 6, 2018

[News Releases](#)

Kilpatrick Townsend Elects New Partners
January 1, 2018

[News Releases](#)

Kilpatrick Townsend Elects New Partners in Winston Salem
December 18, 2017

[In The News](#)

David Smith Quoted in Indian Country Today Media Network re: "Tribal Members in Oklahoma Defeat Natural Gas Pipeline Company"
April 12, 2017

[In The News](#)

Okla. Tribal Landowners Get Pipeline Kicked Off Property
March 28, 2017



Events

Opportunities Earned & Leadership Learned

March 15, 2017

News Releases

Kilpatrick Townsends Dustin Greene Named One of “The Triads 40 Leaders Under Forty”

February 22, 2017

News Releases

Kilpatrick Townsend Attorneys Named 2017 North Carolina Super Lawyers

January 30, 2017

Events

North Carolina Business Court: Review of 2015-2016 Decisions and Panel Discussion with Judge Gale and Judge Robinson

November 2, 2016

Events

Trial Practice and Procedure

September 30, 2016

In The News

Kilpatrick Townsend's Media Report March 24 - April 14, 2016

April 15, 2016

Publications

The Current Battle Over Native American Land Allotment

April 1, 2016

In The News

Kilpatrick Townsend's Media Report January 15-21, 2016

January 22, 2016

News Releases

Kilpatrick Townsend Attorneys Named 2016 North Carolina Super Lawyers

January 15, 2016



[In The News](#)

Kilpatrick Townsend's Media Report December 11-24, 2015

December 24, 2015

[News Releases](#)

Kilpatrick Townsends Clay Wheeler and Dustin Greene Honored by Legal Aid of North Carolina

September 24, 2015

[News Releases](#)

Kilpatrick Townsends Dustin Greene Named to The Chief Justice Joseph Branch Inn of Court

September 21, 2015

[In The News](#)

Kilpatrick Townsend's Dustin Greene Featured in CBS News' re: "What it Takes to be an Army Ranger"

August 21, 2015

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2015 North Carolina Super Lawyers

January 28, 2015

[News Releases](#)

Kilpatrick Townsends Dustin Greene Appointed to the North Carolina Private Protective Services Board

January 8, 2015