



Dustin T. Greene

Partner

1001 West Fourth Street, Winston-Salem, NC USA 27101

t 336.607.7432 | f 336.734.2612

dgreene@ktslaw.com

Services

Complex Commercial Litigation

Construction Litigation

Securities Litigation

Dustin Greene litigates complex commercial, securities, construction, real estate development, Native American, and other legal issues for both plaintiffs and defendants. Mr. Greene has experience in federal and state trial courts and appellate courts across the country, as well as U.S. and international arbitration.

Dustin has received the following awards/recognitions: North Carolina "Rising Star" for General and/or Business Litigation (*Super Lawyers* magazine, 2014-2018), "40 Leaders Under 40" (*Triad Business Journal*, 2017), Citizen Lawyer Award (North Carolina Bar Association, 2018), "Top 25 Lawyers in North Carolina" (*Attorney Intel*, 2022), Legal Elite, Litigation (*Business North Carolina*, 2024). 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 its Grievance Committee until January 2018.

Prior to entering the legal profession, Dustin 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.](#)

Experience

Dockery v. Wright, Superior Court, Forsyth County, NC, Case No. 21-CVS-5196. Obtained summary judgment and final judgment against investment advisor for more than \$295,000 on behalf of elderly investors who were steered to invest in a Ponzi scheme from which the advisor was being paid directly. The court entered judgment in our clients' favor on claims for violations of the North Carolina Securities Act, fraud, constructive fraud, and breach of fiduciary duty.

Wireless World LLC d/b/a Experts Choice v. T-Mobile USA, Inc. and Sprint Solutions, LLC, King County, Washington, Case No. 23-2-16531-4-SEA. Served on trial practice and complex motions team that won and obtained confirmation of a \$13,950,060 arbitration award, including damages, attorneys' fees and costs, on behalf of a small business wireless retailer client in JAMS arbitration. Following the merger between T-Mobile and Sprint, we represented Wireless World, former Sprint cellular phone and mobile services retailer that transitioned to T-Mobile post-merger. After Wireless World sold its business for a significantly reduced value



because of alleged deceptive actions by T-Mobile and Sprint, we filed an arbitration with JAMS. Following a one-week hearing, retired Washington Supreme Court Justice Faith Ireland entered a final award in our clients favor, finding violations of Washington's Consumer Protection Act (a state unfair and deceptive trade practices or "mini-FTC" Act). A Washington Superior Court judge confirmed the award over T-Mobile's motion to vacate.

Represented the sellers of a 120 acre tract of real estate slated for commercial development in Union County, North Carolina. After prolonged due diligence, the buyer repeatedly refused to close on the sale and filed suit to require the sellers to indefinitely hold the property for an eventual closing after all development permits were approved by the City of Monroe. After filing counterclaims based on the buyer's refusal to close on the sale, we moved for judgment on the pleadings on all claims. That motion was granted in the sellers' favor, and they were freed from the original contract and the court ordered the due diligence deposit to be released to our clients from escrow. Shortly thereafter, the sellers signed a new contract for an approximately 300% increase in the sale price. *Pace Development Group, Inc. v. Howey, et al.*, 20 CVS 2572, Superior Court, Union County, NC.

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).

Represented enrolled members of the Comanche, Caddo, Apache, Cherokee, and Kiowa Tribes of Oklahoma, who own a trust allotment outside of Anadarko, Oklahoma, in actions for trespass and condemnation arising from the continued operation of a natural gas pipeline for more than sixteen years after the easement expired. After being turned away by multiple firms, the landowners approached Kilpatrick Townsend, who agreed to take



the case. We obtained dismissal of the gas company's condemnation claims, and the federal district court for the Western District of Oklahoma entered summary judgment against the gas company for trespass. On appeal, the Tenth Circuit affirmed the dismissal of the condemnation claims and affirmed summary judgment on trespass. *Marcia W. Davilla, et al. v. Enable Midstream Partners, L.P., et al.*, No. 5:2015cv01262 (W.D. Okla. 2016); *Marcia W. Davilla, et al. v. Enable Midstream Partners, L.P., et al.*, No. 17-6088 (10th Cir. 2019); *Enable Oklahoma Intrastate Transmission LLC v. 25 Foot Wide Easement*, No. 17-6188 (10th Cir. 2018).

Represented BB&T in the trial court and on appeal in an action by developers of a mixed-use real estate development in Wake County, North Carolina, alleging that BB&T should be held liable for more than \$30,000,000 for "Continuing Slander to Title/Aiding & Abetting Continuing Slander to Title" in connection with the actions of the general contractor on the project. We obtained dismissal of the case because the causes of action plaintiff alleged were not recognized under North Carolina law, and because any claims arising out of the construction of the development would have been compulsory counterclaims in a prior action in Wake County. The developer appealed, and the North Carolina Court of Appeals unanimously affirmed. *North Carolina II LP and Apex First Development, LLC v. BB&T*, 12 CVS 842 (Forsyth County, North Carolina, filed February 7, 2012), on appeal No. COA 12-898.

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.

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, and directed verdict on BB&T's claims of more than \$250,000. *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.

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 Lowe's Companies, Inc. in a suit brought by a former in-store service provider alleging multiple business tort claims, including fraud, negligent misrepresentation, unfair and deceptive trade practices, breach of contract, and copyright infringement arising out of Lowe's relationship with the service provider and the termination of the provider's contract. The Court denied plaintiffs' attempt to take the depositions of multiple Lowe's executives. After discovery closed, the firm was successful on a summary judgment motion that resulted in the dismissal of 29 of the plaintiffs' 30 claims. The remaining claim for an unpaid invoice was settled shortly before trial. *Performance Sales & Marketing, LLC, et al. v. Lowe's Cos., Inc.*, Civil Action No. 5:07CV00140-RLV-DLH (W.D.N.C.).

Obtained reversal of the trial court's dismissal of trespass claims against an oil pipeline company on behalf of a putative class of individual Indian allottees in the Eighth Circuit Court of Appeals. The appellate court held that the allottees were not required to exhaust administrative remedies with the Bureau of Indian Affairs before pursuing their claims in federal court. *Chase v. Andeavor Logistics, L.P.* (8th Cir. 2021).

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

North Carolina (2008)

Professional & Community Activities

2019 North Carolina Pro Bono Honor Society, Member

Boy Scouts of America, Eagle Scout, Executive Board Member

Chief Justice Joseph Branch Inn of Court, Barrister

The Little Theater of Winston-Salem, Board Member (2016-2022), Vice President (2020-2022)

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



[News Releases](#)

Kilpatrick Attorneys Named to Business North Carolinas 2024 “Legal Elite” List

January 2, 2024

[Publication](#)

Top 25 Attorneys in North Carolina for 2022

December 6, 2022

[News Releases](#)

32 Kilpatrick Townsend Attorneys Named to the 2020 North Carolina Pro Bono Honor Society

May 18, 2021

[News Releases](#)

36 Kilpatrick Townsend Attorneys Named to the 2019 North Carolina Pro Bono Honor Society

May 28, 2020

[Perspectives](#)

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

June 7, 2019