



Kyle R. Hardwick
Attorney

khardwick@bestlaw.com

60 South Sixth Street Suite 2700
Minneapolis, MN
P 612.341.9739

What excites and energizes me about practicing law at Best & Flanagan is having the opportunity to roll up my sleeves, dig in to the case or negotiation, work with talented and thoughtful attorneys, and provide results that clients deserve.

Kyle Hardwick is a construction and energy law attorney. He drafts and negotiates construction, design, supply chain and procurement contracts for owners, developers, general contractors and subcontractors. Kyle regularly drafts and negotiates construction and procurement contracts for nuclear power plants. Kyle also has extensive experience advising clients on public procurement and public bidding issues. Kyle also litigates construction, real estate, and commercial cases in state and federal courts. Kyle has summary judgment, jury trial, and appellate experience, and has successfully handled numerous arbitrations and mediations.

Experience

Energy

> Nuclear Power Plants

- > Drafted and negotiated 10-year, \$430 million Master Services Agreement on behalf of regulated public utility.
- > Drafted and negotiated 10-year, \$400 million Master Maintenance and Construction Agreement on behalf of regulated public utility.
- > Drafted and negotiated 8-year, \$50 million fuel contract on behalf of regulated public utility.
- > Drafted and negotiated hundreds of construction, procurement, and supply chain contracts totaling over \$50 million on behalf of regulated public utility.
- > Lead attorney defending \$1.5 million mechanic's lien and contract delay claim on behalf of regulated public utility.

> Solar

- > Lead associate on multi-million dollar litigation arising out of the design, engineering, and construction of a Minnesota solar farm.
- > Drafted and negotiated numerous contracts for solar facilities throughout the country, including California, Texas and Virginia.
- > Advised clients regarding potential claims on Texas solar farm.

BEST & FLANAGAN

> Wind Farms

- > Drafted and negotiated multiple EPC contracts for wind farms in Texas.
- > Has also assisted clients with preparing and filing mechanic's liens on wind farms in Texas and North Dakota.

Food and Agricultural Facilities

- > Food processing plant: Represented agricultural companies in constructing food processing plants in Colorado and New York.
- > Food equipment manufacturing: Lead attorney in breach of contract and professional negligence lawsuit arising from grain ship-loading facility in Louisiana.

Industrial, Manufacturing and Automation

- > Logistics and automation: Represented Fortune 50 global transportation and logistics company in connection with hundreds of construction, design and procurement projects throughout the U.S., Asia and Europe.
- > Manufacturing: Performed construction contract and insurance related due diligence for manufacturing client's sale of subsidiary.

Health Care Facilities

- > Hospitals: Prepared construction and design contract documents for two \$25 million+ hospitals in Minnesota and Wisconsin.

Nonprofit and Arts Organizations

- > Drafted and negotiated construction, design, and consulting agreements on behalf of owner in connection with a \$26 million renovation of a museum and educational learning center in Minnesota.

Construction and Real Estate Litigation Experience

- > Lead attorney in American Arbitration Association proceeding obtaining full recovery for general contractor on breach of contract and project delay claims.
- > Lead attorney representing real estate developer in escrow funds lawsuit, resulting in monetary recovery.
- > Lead associate on \$10 million commercial lease lawsuit representing Fortune 500 sportswear and footwear retailer.

Complex Commercial Litigation

- > Represented national retailer in multimillion-dollar breach of contract claim against former software vendor.
- > Represented national retailer in multimillion-dollar breach of contract claim against former asset disposition vendor.

Before Best & Flanagan

Kyle played NCAA Division I hockey at Bemidji State University from 2006-2010. During his time at Bemidji State, Kyle played in two national tournaments, including the 2009 Frozen Four in Washington, D.C. Kyle was elected team captain by his teammates during his senior year.

Areas of Practice

Construction Law

Construction Litigation, Arbitration & Mediation

Real Estate

Conflicts Litigation Counsel & Special Projects

Education

J.D., Business Law Concentration, University of Minnesota Law School, 2013, *magna cum laude*

BEST & FLANAGAN

B.S., Business Administration, Bemidji State University, 2010, *summa cum laude*

Admissions

State of Minnesota

U.S. District Court, District of Minnesota

Firm News/Articles

- › Nineteen Best & Flanagan Attorneys Recognized as 2023 Super Lawyers and Rising Stars
- › Fifteen Best & Flanagan Attorneys Recognized as 2022 Super Lawyers and Rising Stars
- › Supreme Court Strikes Down OSHA Mandate; Minnesota OSHA Suspends
- › MN OSHA Adopts Federal Emergency Temporary Standard
- › Large Employers Take Note—OSHA's Vaccine or Test Rule Resuscitated
- › Best & Flanagan Attorneys Recognized as 2021 Super Lawyers and Rising Stars
- › Best & Flanagan Elects Two New Partners
- › Twenty Best & Flanagan Attorneys Recognized as 2020 Super Lawyers and Rising Stars
- › OSHA Requirements for Recording and Reporting Work-Related COVID-19 Cases
- › Update Regarding SBA Review of PPP Loan Certification
- › Minnesota Emergency Executive Order 20-40 Allows Workers in Certain Non-Critical Sectors to Return to Safe Workplaces
- › MPCA's flexibility regarding environmental compliance during the COVID-19 pandemic
- › Update on Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act")
- › Strategies to Implement COVID-19 Paid Leave and Unemployment Benefits
- › Five Best & Flanagan Attorneys Named to 2019 Rising Stars List
- › Six Best & Flanagan Attorneys Named to 2018 Rising Stars List
- › Karolina Hoerl and Kyle Hardwick Join Best & Flanagan

Professional Associations

- › American Bar Association
- › Minnesota State Bar Association, Construction Law Section
- › Hennepin County Bar Association

Community Associations

- › University of Minnesota Law School, Adjunct Professor - National Moot Court

Awards & Recognition

- › Associate Fellow, Construction Lawyers Society of America
- › Honoree, Minnesota Rising Stars, 2018-2023
- › Top Lawyers in Minnesota, *Minnesota Monthly*, 2022-present
 - › Construction Law
 - › Construction Litigation

After Hours

BEST & FLANAGAN

In my free time you will find my wife and me golfing, walking our yellow lab Harvey around the Minneapolis Chain of Lakes, or gathering with friends at a Twin Cities restaurant or brewery.

Kyle's Team

- › Timothy Sullivan, Attorney
- › Justin Short, Attorney
- › Daniel Grimsrud, Attorney
- › Sarah Crippen, Attorney
- › Elizabeth Davydov, Attorney