

#### Practice Areas

- Construction Law
- Litigation
- Real Estate

#### Education

- University of Texas, Austin, B.B.A., 1990
- South Texas College of Law, J.D., 1996, magna cum laude

#### Honors

- Articles Editor, South Texas College of Law Law Review, 1995-1996

#### Bar Admissions

- Texas

#### Court Admissions

- Northern District of Texas
- Southern District of Texas
- Eastern District of Texas
- Western District of Texas
- Fifth Circuit Court of Appeals

## R. Kyle Hawes

Shareholder

Houston

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R. Kyle Hawes possesses more than 15 years of experience as a trial and arbitration attorney in the field of commercial litigation. Mr. Hawes is a member of the Commercial and Construction Litigation Group. Mr. Hawes' practice focuses on general civil litigation including claims arising from breach of contract, real estate, fraud, breach of fiduciary duty, Texas Deceptive Trade Practices, breach of warranty, antitrust, landlord-tenant disputes and Texas Securities Act claims. Mr. Hawes represents a diverse range of clients including individuals, small businesses, partnerships, and large corporations. Mr. Hawes' notable clients include Land O' Lakes, Purina Mills, Chick-fil-A, C.R.E.S. Management, LLC, Harrison Mortician Services and Jeter Memorial Funeral Home.

#### Significant Matters and Results

- Successfully prosecuted a constructive eviction claim and defended against a multimillion dollar breach of contract claim on behalf of a commercial tenant in the Houston Energy Corridor in the aftermath of Hurricane Ike. Results included the recovery of \$3.5 million in damages and cancellation of the long term lease before a three judge panel under the auspices of the American Arbitration Association.
- Successfully prosecuted a breach of contract claim against an owner on behalf of a subcontractor and defended against a multimillion dollar counterclaim arising out of the termination of an EPIC contract for the provision of services on an oil and gas loading facility located in the Bahamas. Results included the recovery of \$2.6 million in damages before an arbitrator under the auspices of the International Centre for Dispute Resolution.
- Successfully defended a prime contractor on a breach of contract claim in a jury trial before the 11th Judicial District Court in Harris County whereby the Plaintiff was seeking \$400,000.00 in monetary damages.
- Successfully defended a Hospital System and a Physician Hospital Organization from multimillion dollar antitrust claims including claims of monopolization, attempted monopolization, price fixing and conspiracy in Nueces County, Texas.
- Successfully prosecuted a claim for fraud, breach of fiduciary duty claim against sellers of a hotel sold for \$6.1 million in Fort Bend County, Texas.

## R. Kyle Hawes, *Continued*

- Successfully prosecuted a Lemon Law Proceeding for a purchaser of a \$275,000 Aston Martin through the Texas Department of Transportation.
- Successfully defended a concrete subcontractor in a multimillion dollar construction defect claim under the auspices of the American Arbitration Association in Nashville, Tennessee.
- Successfully defended a high exposure premises liability claim in Harris County, Texas.
- Successfully settled a breach of contract claim for a Hurricane Katrina FEMA contractor in New Orleans, Louisiana in the Federal District Court.

### Seminars & Presentations

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- "Ethical Issues for Civil Engineers," July 19, 2007, Houston, Texas.
- "Litigation Case Management: Best Practices for Paralegals," July 24, 2007, Houston, Texas (Author/Presenter).

### Professional Affiliations

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- American Bar Association
- Texas Association of Defense Counsel
- Defense Research Institute

