

PHILLIP R. EARNEST PARTNER

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PHILLIP R. EARNEST is a partner at Pietragallo Gordon Alfano Bosick & Raspanti, LLP. He primarily represents corporations in commercial, construction, and insurance contract drafting, negotiation, claims, and litigation. Mr. Earnest also drafts and negotiates construction, indemnity, surety, and insurance agreements for owners (commercial and non-profit), contractors, specialty subcontractors, design professionals, insurers, and sureties on projects including multi-million dollar single family residential construction, multi-family townhome developments, apartment towers, commercial office towers, hotels, museums, demolition, rehabilitation, and renovation of existing buildings repurposed for new uses.

Mr. Earnest has tried numerous jury trials and has successfully conducted commercial and construction arbitrations throughout the federal and state court systems of Pennsylvania and West Virginia. Additionally, he has conducted alternative dispute resolution proceedings in various forums such as the American Arbitration Association and private arbitration. His current and recent dispute resolution engagements include the following:

- Construction/Design litigation involving curtainwalls of multiple office buildings
- Antitrust litigation involving alleged monopolization of West Virginia wine distribution market
- Construction/Design litigation involving PennDOT's Masontown Bridge Project
- Construction/Design litigation involving West Virginia Advanced Technology Council academic building
- Construction/Design litigation involving Town of Mill Creek, WV municipal water distribution system
- Motor carrier litigation
- Coverage dispute involving multiple TCPA federal class actions filed against national clothing retailer for spam texting customers
- Coverage dispute involving Grenfell Towers fire in London, UK
- Coverage dispute involving manufacturing defects alleged against designer and manufacturer of water and chemical processing facility in Canadian tar sands
- Coverage/Bad Faith dispute claims of manufacturer's alleged groundwater contamination brought by DEP and by private claimants in separate lawsuits
- Insurance Bad Faith litigation involving failure to accept tender of additional insured status for amusement parks owner under rock concert promoter's policy
- Coverage dispute involving application of fidelity policy to fines levied by EU and DOJ against international manufacturer engaged in international antitrust conspiracy
- Coverage/Bad Faith dispute involving FCRA class action filed against staffing companies
- Coverage dispute involving medical licensing class action filed against health care system
- Coverage dispute involving professional liability for fraudulent title conveyances
- Construction/Design dispute involving collapse of 700 ft. retaining wall behind new elementary school
- Construction/Design dispute involving failed wet sprinkler system in university building

- Construction Payment/Lien litigations involving mid-stream shale gas pipelines
- Delay/Defect litigation involving flat roof system for new high school
- Construction Delay/Defect litigation involving new hotel project
- Coverage dispute regarding manufacture of window cladding shipped to multiple countries and hundreds of homes

In addition to authoring amicus briefs on behalf of the Pennsylvania Defense Institute, Mr. Earnest has represented clients in dozens of arguments before the Pennsylvania Superior Court. Mr. Earnest has been twice appointed as a Hearing Committee Member serving the Disciplinary Board of the Supreme Court of Pennsylvania. Mr. Earnest has been recognized since 2021 in *The Best Lawyers in America*® in Construction Law, Insurance, and Construction Litigation.

Mr. Earnest is a member of the Academy of Trial Lawyers of Allegheny County, the Allegheny County Bar Association, the Pennsylvania Defense Institute, the American Institute of Architects, the Master Builders Association of Western Pennsylvania. He is a lifetime member of the alumni associations of Penn State, West Virginia University, and the University of Pittsburgh. He is admitted to practice in all state and federal courts in Pennsylvania and West Virginia, and he has been admitted pro hac vice in numerous other jurisdictions throughout the United States.

Speaking Engagements

“Professional and General Liability Insurance for Engineers,” *HalfMoon Education’s Pennsylvania Engineering Law & Ethics* (webinar), March 18, 2022

“Managing Risk with General Liability and Professional Liability Insurance Coverage,” *Managing Engineering Liability and Risk in Pennsylvania* (webinar), June 16, 2021

“FS LTD Presentation on Contractual Indemnifications and Impact on Coverage,” *Risk Control Group Conference*, September 2020

“Managing Risk with General Liability and Professional Liability Insurance Coverage,” *Managing Engineering Liability and Risk* (Coraopolis, PA), July 8, 2020

“Contractual Liability: Indemnification Agreements and Additional Insured Endorsements,” *Pietragallo and Willis Towers Watson Joint Roundtable Seminar* (Pittsburgh, PA), September 19, 2017

“An Update on Indemnification Agreements and Additional Insured Endorsements,” *Pittsburgh RIMS* (Pittsburgh, PA), March 14, 2017

“Insurance Coverage: An Overview and Update on Anti-Indemnity Statutes,” *Professional Liability Attorneys Network (PLAN)* (Olathe, KS), March 12, 2015

“Survey of the Interplay Between Unfair Insurance Practices Acts and Bad Faith Litigation,” *AIG’s Legal Briefing* (Olathe, KS), March 11, 2015

Bar Admissions

Pennsylvania

West Virginia

U.S. Court of Appeals for the Third Circuit

U.S. District Court – Eastern District of Pennsylvania

U.S. District Court – Middle District of Pennsylvania

U.S. District Court – Western District of Pennsylvania

U.S. District Court – Northern District of West Virginia

U.S. District Court – Southern District of West Virginia