

PHILLIP R. EARNEST PARTNER

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PHILLIP R. EARNEST is a Partner at Pietragallo Gordon Alfano Bosick & Raspanti, LLP. He is the firm's practice group leader for Litigation Defense and Risk Management. He primarily represents corporations in commercial, construction, and insurance claims and litigation. Mr. Earnest also drafts and negotiates construction, indemnity, surety, and insurance agreements for owners, contractors, specialty subcontractors, design professionals, insurers, and sureties.

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 such as the American Arbitration Association and private arbitration. His current and recent engagements include the following representative disputes:

- Antitrust litigation involving alleged attempted 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
- 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 E.U. and DOJ against international manufacturer engaged in international anti-trust 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

Mr. Earnest was appointed as a Hearing Committee Member serving the Disciplinary Board of the Supreme Court of Pennsylvania. His appointment is a three-year term. Mr. Earnest was also recognized in the 2022 edition of *Best Lawyers in America* for his practice in Construction Law and Insurance.

In addition to authoring amicus briefs on behalf of the Pennsylvania Defense Institute, Mr. Earnest frequently publishes articles and speaks before clients, industry organizations, and attorneys regarding developments in his areas of practice.

Mr. Earnest is a member of the Allegheny County Bar Association, Pennsylvania Bar Association, the Pennsylvania Defense Institute, the American Bar Association, the Professional Liability Attorney Network, the Professional Lines Underwriting Society, and 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

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

“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 - Western District of Pennsylvania

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