

ANDREW FYLYPOVYCH

BIOGRAPHY

With more than 35 years of legal experience, Andrew Fylypovych focuses his practice in the area of construction law, with a particular focus in design professional liability defense litigation. He serves as Of Counsel at Burns White.

Andrew represents architects, engineers, contractors, and construction managers throughout all phases of the design and building process, including risk management, contract negotiation, mediation, arbitration, and litigation at the trial and appellate levels.

In addition, Andrew has substantial experience handling successful litigation and trials related to premises liability for a major institutional client for whom he has also performed comprehensive contract reviews to help ensure that the risk of liability is properly transferred initially. Andrew has also litigated insurance coverage disputes through the appellate level.

Andrew currently serves as outside general counsel to a major regional religious organization, advising them on a variety of legal issues.

Prior to joining Burns White, Andrew was a partner at two Philadelphia-based civil litigation firms.

CREDENTIALS

Areas of Law

- Construction Law
- Professional Liability Litigation
- Retail and Hospitality

Education

- Georgetown University (J.D., 1978)
- Duke University (B.A., magna cum laude, 1975)

Bar and Court Admissions

- Pennsylvania
- United States District Court for the Eastern District of Pennsylvania
- Third Circuit Court of Appeals

Memberships

- Pennsylvania Bar Association
- Philadelphia Bar Association
- Pennsylvania Defense Institute
- American Institute of Architects Philadelphia Chapter (affiliate member)



484-567-5710

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ACCOLADES & INVOLVEMENTHonors/Awards

- Recognized by peers as one of the 2019 and 2021 *Best Lawyers in America*® for Construction Law
- Selected by his peers for inclusion in *Pennsylvania Best Lawyers*®
- AV® Preeminent™ 5.0 out of 5 peer rated in Martindale-Hubbell
- DPIC Companies Achievement Award, 2002

PRESENTATIONS

- “Managing Engineering Risk,” Half Moon Seminars, Pittsburgh, PA, 2016
- “From Initial Proposal to Final Judgment: A Case Study of What Awaits the Design-Builder Who Seeks Payment of Full Contract Balance,” Victor O. Schinnerer & Co. 51st Annual Meeting of Invited Attorneys, San Diego, CA, 2012
- “Getting Paid in PA,” Half Moon Seminars, Pittsburgh, PA, 2010
- “Contract Negotiation for Pennsylvania Architects,” Half Moon Seminars, Ft. Washington, PA, 2008

REPRESENTATIVE MATTERS

- Successfully represented a design/builders in a multi-state five year dispute seeking final project payment — defeating counterclaims of professional negligence, fraud and RICO violations; obtaining and confirming a AAA arbitration award of \$1.2 million for client and ultimately recovering over 50% of all defense costs incurred by professional liability carrier in defending the counterclaims.
- With no settlement payment of any kind, garnered a voluntary dismissal of a Montgomery County, Pa. suit by purchaser against individual home seller for damages relating to allegedly fraudulent concealment of swimming pool defects.
- Obtained summary judgment for a major educational institution in two separate Philadelphia County construction injury actions, one of which involved the application of the Supreme Court of Pennsylvania 2011 decision in the Beil case. The institutional client was fully indemnified for all defense costs and expenses in both matters.
- Without any contribution towards settlement, obtained a discontinuance with prejudice of a major engineering firm from a Philadelphia County personal injury suit arising out of a pedestrian accident near a major transportation facility in which another design professional paid almost \$200,000.
- Negotiated a quick and favorable resolution of a claim by PennDOT against a geotechnical consultant. The claim arose out of the settlement of a major portion of an interstate in the Philadelphia area, allowing for resumption of contract payments to all design professionals on the project.
- Obtained a compulsory non-suit in a jury trial in York County, PA for a site engineer in a landowner’s claim arising out of alleged water infiltration from an adjacent storm water drainage basin.

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REPRESENTATIVE MATTERS

- Obtained a defense verdict in a jury trial in Philadelphia County on behalf of a design builder in a claim arising out of the catastrophic failure of a refrigeration system causing in excess of \$10 million in damages to a frozen food storage facility.
- Successfully prevented an architect's pass-through of an owner's claim against a structural engineer for alleged defects in a major performing arts center.
- Obtained a defense verdict in a non-jury trial in Monroe County, PA for a defendant-attorney in a claim arising out of the drafting of remedy provisions in a lease for a commercial golf course.

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