



Phillip R. Earnest

Shareholder and Co-chair, Insurance

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Services and Industries

- Construction Law
- Insurance Law
- Business Litigation and Strategic Solutions

Education

- University of Pittsburgh School of Law, J.D.
- West Virginia University, M.A.
- Penn State University, B.A.

Admissions

- Pennsylvania
- West Virginia
- U.S. Court of Appeals for the Third Circuit

- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Northern District of West Virginia
- U.S. District Court for the Southern District of West Virginia

Phillip R. Earnest is a shareholder and serves as the Co-chair of Saxton & Stump's [Insurance Law](#) Group and is a member of the firm's [Construction](#) and [Business Litigation and Strategic Solutions](#) groups. He is based in the firm's Pittsburgh office. With nearly 30 years of experience, Phil represents a broad range of clients — including owners, contractors, specialty subcontractors, design professionals, insurers, and sureties — on complex commercial and residential projects involving contract drafting, negotiation, claims, litigation, arbitration, and mediation.

His work spans construction, indemnity, surety, and insurance matters on high-value residential and commercial developments, including apartment and office towers, hotels, museums, and adaptive reuse projects. He has successfully tried jury cases and handled arbitration proceedings in both federal and state courts across Pennsylvania and West Virginia, as well as in various private and AAA forums.

Phil has authored amicus briefs on behalf of the Pennsylvania Defense Institute and argued dozens of appeals before the Pennsylvania Superior Court. He also served two terms, from 2018 to 2024, as a member of the Hearing Committee for the Disciplinary Board of the Supreme Court of Pennsylvania.

He is a member of the Academy of Trial Lawyers of Allegheny County, an invitation-only organization limited to 250 trial lawyers selected by their peers. He also belongs to the Allegheny County Bar Association, the Pennsylvania Defense Institute, the American Institute of Architects, and the Master Builders Association of Western Pennsylvania.

Recognized since 2021 in *The Best Lawyers in America*® in Construction Law, Insurance Law, and Construction Litigation, Phil is admitted to practice in all state and federal courts in Pennsylvania and West Virginia. He has appeared *pro hac vice* in jurisdictions across the country.

Phil holds a law degree from the University of Pittsburgh, a master's degree in English from West Virginia University, and a bachelor's degree from Penn State.

Representative Experience

- Commercial litigation regarding delays in construction of silicon carbide wafer manufacturing facility
- Insurance and indemnity claims by hospital system against outside dialysis clinic arising from underlying verdict partially paid by hospital system and various private and government-related indemnitors
- Commercial litigation regarding joint venture between carbon steel manufacturer and steel mill services provider
- Commercial litigation regarding joint venture between stainless steel manufacturer and steel mill services provider
- Insurance coverage dispute regarding age discrimination claims against a hospital system affiliated with a

university

- Insurance coverage dispute regarding catastrophic explosion at oil supplier's franchisee
- Construction/design litigation regarding allegedly defective design of retail shopping complex structures
- Commercial litigation regarding sale of natural gas power plant
- Construction/design litigation regarding allegedly improper design of sewer utility system
- Commercial litigation regarding alleged fraudulent inducement in asset sale of telecommunications corporation
- Commercial litigation regarding alleged, attempted monopolization of West Virginia wine distribution market
- Construction/design litigation regarding allegedly defective concrete delivered and placed for PennDOT Route 21 bridge over Monongahela River
- Construction/design litigation regarding allegedly defective site design and engineering for West Virginia Advanced Technology Council academic building
- Insurance coverage dispute regarding Grenfell Tower fire in London, UK
- Construction/design litigation regarding allegedly defective design of water supply system for town of Mill Creek, W.Va.
- Insurance coverage dispute regarding multiple Telephone Consumer Protection Act federal class actions filed against national clothing retailer for spam texting customers
- Construction/design dispute regarding allegedly defective design and collapse of 700 ft. retaining wall behind new elementary school
- Insurance coverage dispute regarding manufacturing defects alleged against designer and manufacturer of water and chemical processing facility in Canadian tar sands
- Construction/design dispute regarding allegedly defective design of failed wet sprinkler system in university building
- Insurance coverage/bad faith dispute regarding manufacturer's alleged groundwater contamination brought by the Pennsylvania Department of Environmental Protection and by private claimants in separate lawsuits
- Insurance bad faith litigation regarding failure to accept tender of additional insured status for amusement parks owner under rock concert promoter's policy
- Insurance coverage dispute regarding application of fidelity policy to fines levied by the European Union and the U.S. Department of Justice against international manufacturer engaged in international anti-trust conspiracy
- Mechanic's lien actions in multiple jurisdictions
- Insurance coverage/bad faith dispute regarding a Fair Credit Reporting class action filed against staffing companies
- Insurance coverage litigation regarding medical licensing class action filed against healthcare system
- Insurance coverage litigation regarding professional liability for fraudulent title conveyances
- Construction/design litigation regarding allegedly defective design of structural beams in residential homes
- Construction payment/lien litigation regarding novel issue of mechanic's liens asserted against mid-stream shale gas pipelines
- Construction delay/design regarding allegedly defective roofing for new high school
- Construction delay/defect regarding yearlong delay in new hotel project
- Commercial litigation regarding payment and cost sharing between partner corporations in joint venture operating strip mine

Recognitions

- Best Lawyers in America®, Construction Law, Insurance Law, Litigation – Construction 2021-2027, Litigation – Insurance, 2027

Speaking Engagements

- “Using Project Design Professionals as Experts in Dispute Resolution Proceedings While Maintaining Privilege,” Construction Lawyers Society of America’s 2025 North American Construction Law Symposium VII (December 2025)
- “Professional and General Liability Insurance for Engineers,” HalfMoon Education’s Pennsylvania Engineering Law & Ethics webinar (March 2022)
- “Managing Risk with General Liability and Professional Liability Insurance Coverage,” Managing Engineering Liability and Risk in Pennsylvania Webinar (June 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 (July 2020)
- “An Update on Indemnification Agreements and Additional Insured Endorsements,” Pittsburgh RIMS (March 2017)
- “Insurance Coverage: An Overview and Update on Anti-Indemnity Statutes,” Professional Liability Attorneys Network (PLAN), (March 2015)
- “Survey of the Interplay Between Unfair Insurance Practices Acts and Bad Faith Litigation,” AIG’s Legal Briefing (March 2015)

Professional Affiliations

- American Bar Association
- Pennsylvania Bar Association
- Allegheny County Bar Association
- Academy of Trial Lawyers of Allegheny County, lifetime appointment
- Professional Liability Attorneys Network
- Defense Research Institute
- Pennsylvania Defense Institute
- American Institute of Architects
- Master Builders Association of Western Pennsylvania
- Construction Lawyers Society of America