



Andrew M. Hutchison

Member

San Francisco

ahutchison@cozen.com | (415) 593-9625

Practice Areas

- Litigation
- Complex Risk & Litigation
- Employment Litigation
- Professional Liability
- Intellectual Property Litigation
- Trade Secrets & Unfair Competition
- Construction Law

Education

- University of Iowa College of Law, J.D., *with honors*, 2004
- Harvard University, B.A., *cum laude*, 2001

Bar Admissions

- Arizona
- California
- Illinois

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court -- Central District of California
- U.S. District Court -- Eastern District of California
- U.S. District Court -- Northern District of California
- U.S. District Court -- Southern District of California
- U.S. District Court -- Northern District of Illinois
- U.S. District Court -- Central District of Illinois
- Arizona Supreme Court
- California Supreme Court
- Illinois Supreme Court

Affiliations

- American Bar Association
- The Bar Association of San Francisco

Andrew M. Hutchison concentrates his practice in the areas of commercial litigation, employment litigation, professional liability, construction litigation and insurance coverage counseling and litigation. He has represented business entities and individuals in complex commercial and business tort litigation involving breach of contract, breach of fiduciary duty, intentional interference with contract and prospective economic advantage, corporate, limited liability company and partnership dissolutions and disputes, defamation, unfair competition, false advertising, conversion, fraud, conspiracy, professional liability, products liability, statutory violations, patent infringement, copyright infringement, trade dress infringement, shareholder derivative actions, and TCPA claims. He has represented business entities and individuals in employment matters involving restrictive covenants, trade secrets, wrongful termination, retaliation, discrimination, harassment, and wage, salary, and commissions disputes. He has successfully defended companies in putative class actions.

Andy has defended and prosecuted claims involving director's and officer's liability. His defense work includes defending directors, officers, and corporations in lawsuits brought by former officers and shareholders for wrongful termination, breach of contract, breach of fiduciary duty, conspiracy, and business torts such as intentional inference with contractual relations and prospective economic advantage. His prosecution work includes representing a corporation in an action against former officers for fraud and breach of fiduciary duty and representing a former director, chairman of the board, and CEO in a lawsuit against the other directors and officers for breach of fiduciary duty arising from his wrongful ouster from the company.

Andy regularly represents manufacturers, contractors, architects, landscape architects, engineers, consultants, and other design professionals in litigated matters and provides general corporate counseling on issues including risk management, contract drafting and negotiation, contractual defense and indemnity obligations, insurance procurement and coverage, fee disputes, mechanic's liens, and corporate structure, registration, licensing, and statutory compliance. Andy also represents insurance brokers in professional liability actions related to the procurement of insurance.

Andy has represented primary and excess insurers in lawsuits involving first-party and third-party insurance coverage, bad faith, and unfair business practices under insurance policies including commercial general liability, professional liability, technology and information E&O liability, and managed care organization liability coverage.

Andy has litigated cases in federal and state courts at both the trial and appellate court levels and through alternative dispute resolution.

Andy earned his undergraduate degree, *cum laude*, from Harvard University in 2001 and his law degree, with distinction, from the University of Iowa College of Law in 2004.

Experience

Defeated a motion for class certification in a putative class action filed in California state court against our client, a major food manufacturer, alleging that the packaging for a specific type of dog treat misrepresented that the product was "wholesome." The plaintiffs sought approximately \$8.4 million on

Andrew M. Hutchison

ahutchison@cozen.com

P: (415) 593-9625 | F: (415) 692-3514

©2019 Cozen O'Connor. All rights reserved.



behalf of the putative class, plus punitive damages and attorneys' fees under California's consumer protection statutes. We defeated class certification, and plaintiffs agreed to drop all claims.

Obtained dismissal of defamation and intentional infliction of emotional distress claims filed by a public adjuster against our third-party administrator/investigation company client and one of its employees. The lawsuit stemmed from a comment the employee allegedly made to a fire department arson investigator and then published in an email, which the plaintiff interpreted as suggesting that he had set the fire. We secured dismissal of the action through an anti-SLAPP motion, successfully arguing that that statement at issue was made in connection with a law enforcement investigation, and therefore privileged, and that the plaintiff did not meet his burden of showing a likelihood of success on the merits.

Obtained summary judgment for design consultant in lawsuit filed by employee of building owner who sustained injuries while working on the construction site. We successfully defended summary judgment on appeal.

Successfully defended staffing agency that coordinates in-store demonstration events at major box stores in patent infringement action filed by major competitor. The case was dismissed after we demonstrated that no infringement occurred, challenged the validity of the patents at issue, and pursued a breach of contract counterclaim against the competitor related to the competitor's failure to pay our client for its services on a joint national marketing program.

Successfully defended professionals in lawsuit alleging misappropriation of trade secrets and violation of restrictive covenant prohibiting solicitation of clients. The case settled after obtaining a favorable ruling on a motion challenging the enforceability of these claims.

Obtained summary judgment for large design-build firm sued for negligence and fraudulent concealment after coal mine subsidence occurred under the project site several years after completion of construction and caused millions of dollars in property damage. We successfully defended summary judgment on appeal.

Successfully defended large engineering and construction management firm in multiple wrongful death lawsuits arising from separate accidents that occurred during a large highway and bridge deck reconstruction project. Both lawsuits settled before trial.

Successfully defended large engineering firm in wrongful death lawsuit arising from a fiber optic cable installation project. The case settled shortly before trial after we undertook aggressive discovery to discover the cause of the incident and successfully raised and pursued complex contractual indemnity issues between the defendants.

Obtained summary judgment for large engineering firm in two related wrongful death lawsuits in which plaintiffs alleged that our client negligently designed the interstate and toll plaza area where the accident occurred. After successfully defending summary judgment on appeal in one lawsuit, the other lawsuit settled while on appeal.

Successfully defended insurance brokerage firm in professional liability lawsuit related to Superstorm Sandy. Plaintiffs were owners of over 100 medical imaging centers seeking to recover uninsured business interruption losses sustained in five states. The case settled shortly before trial after establishing through depositions and pre-trial motions that Plaintiffs' theory of liability was illogical and their claims for damages were highly speculative.

Represented a national manufacturer in a multi-million dollar construction defect and products liability matter. Upon being retained only several weeks before trial, the Cozen O'Connor team completed fact

and expert depositions, prevailed on pre-trial motions that limited plaintiff's damages experts at trial, and cross-examined plaintiffs' witnesses to demonstrate to the jury that the plaintiff's claimed damages were overstated and unjustified. The case settled after five weeks of trial.

Andrew M. Hutchison
ahutchison@cozen.com
P: (415) 593-9625 | F: (415) 692-3514

©2019 Cozen O'Connor. All rights reserved.

