



Andrew K. Lavin

PARTNER

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RELATED SERVICES

- Insurance
- Bad Faith
- Employment
- Government Investigations & Enforcement Defense

OFFICES

- Denver

OVERVIEW

Andrew K. Lavin is a Partner in the Denver office of GRSM and is a member of the Insurance and Employment practice groups. He defends insurers in bad faith and class action matters and provides guidance concerning complex coverage disputes.

Andrew also represents employers in litigation and counsels employers in ways to proactively limit potential litigation. He has substantial experience in areas of commercial disputes, automobile/commercial trucking accidents, product liability claims, property loss incidents, civil rights/governmental entity actions, construction defect claims, wrongful death claims, and premises liability actions.

Andrew commenced his legal career clerking for the Honorable Arthur P. Roy on the Colorado Court of Appeals.

REPRESENTATIVE EXPERIENCE

Representative Matters

- Obtained dismissal pursuant to a motion for summary judgment of consolidated class action matters where the claimants alleged insurer improperly deducted prior medical payment benefits from underinsured motorist coverage. Dismissal was affirmed by the Tenth Circuit.
- Obtained award on behalf of title insurance company against agent pursuant to a motion for summary judgment due to breach of agreement and demonstrated insurer was entitled to all of their losses pursuant to the fee allocation provision. Award was affirmed by the Tenth Circuit.
- Obtained dismissal of extra-contractual claims against insurer in commercial property dispute through motion for partial summary judgment by demonstrating evidence established proper claim handling. In the same case, Lavin had the plaintiff's engineer's testimony significantly limited through a successful Rule 702 motion.
- Obtained dismissal of extra-contractual claims against insurer in underinsured motorist claim through motion for partial summary judgment by demonstrating evidence established proper claim handling.
- Obtained Rule 12(b) dismissal of a commercial water damage/mold claim due to the policyholder's failure to abide by contractual limitation period to pursue suit.
- Obtained an approximate \$350,000 judgment in Jefferson County on behalf of a former business owner pursuant to promissory note and equitable doctrines, when the court had determined in prior litigation (in which Lavin was not involved) that the individual had no right to pursue his interests in the business. The decision was affirmed on appeal.
- Obtained a defense verdict in Douglas County on behalf of a national entity that owns and manages apartment buildings. The plaintiff claimed that potholes on the property constituted a dangerous condition and sought in excess of \$3 million. The verdict was affirmed on appeal.
- Obtained a defense verdict in Douglas County on behalf of a national telecommunication company in a premises liability action. The plaintiff claimed a traumatic brain injury due to a ladder fall and claimed damages in excess of \$1 million. In that same case, Lavin had the plaintiff's neuropsychologist's testimony significantly limited through a successful Rule 702 motion.
- Obtained a defense verdict in El Paso County on behalf of a large automobile dealership from claims by a former general manager for breach of contract and violations of the Colorado Wage Act. The court awarded the dealership the employer attorneys' fees against the former employee under the Colorado Wage Act.
- Obtained dismissal pursuant to a motion to dismiss of a First Amendment claim of religious discrimination brought under 42 U.S.C. § 1983 against a former supervisor at the Colorado Department of Education by an employee who claimed she was forced to attend mandatory Bible study sessions at work.

- Obtained summary judgment on behalf of a commercial truck driver, who was involved in a motor vehicle accident and claimed to have caused an accident a quarter mile down the highway. The court determined the driver did not owe a duty to the individual involved in the second accident. This decision was upheld on appeal.
- Obtained summary judgment on behalf of a landlord whose tenant's dog was accused of attacking the plaintiff. The court determined no duty was owed. This decision was upheld on appeal. Lavin has also had a motion to dismiss granted in a separate case with similar facts.
- Obtained dismissal pursuant to a motion to dismiss of a Colorado Consumer Protection Act claim on behalf of an appliance installer.
- Obtained dismissal of portions of several lawsuits against a national transportation company in cases where the plaintiffs asserted claims for direct negligence against the company, specifically negligent hiring, training, and supervision. The courts ruled that these claims lacked factual support and were redundant.

CREDENTIALS

Admissions

- Colorado
- U.S. District Court, District of Colorado
- U.S. Circuit Court, Tenth Circuit

Memberships

- Colorado Bar Association
- Denver Bar Association
- Faculty of Federal Advocates
- Colorado Defense Lawyers Association

Education

- J.D., *summa cum laude*, The Ohio State University Moritz College of Law, 2009
 - Order of the Coif
 - Articles Editor, *Ohio State Journal on Dispute Resolution*
 - Judicial Extern, The Honorable George C. Smith in the United States District Court, Southern District of Ohio
- B.A., History, Brown University, 2003