

Andrew H. Ralston, Jr.

Counsel

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Andrew Ralston focuses his practice on litigation, including commercial litigation, mass tort litigation defense, the defense of health care professional liability claims, zoning and land use litigation, and insurance defense litigation. He has more than 17 years of experience representing businesses, major healthcare institutions, and insureds in litigation throughout Pennsylvania. He handles both jury and bench trials, as well as alternative dispute arbitrations and mediations, in a variety of types of cases and in courts throughout Pennsylvania.

Andrew has first chair trial counsel experience in both jury and bench trials, and alternative dispute arbitrations. He has significant and ongoing experience in all aspects of zoning and land use law, both in front of zoning hearing boards, planning commissions and in the Courts of Common Pleas and Appellate Courts. He also has significant and ongoing experience in appellate litigation, having argued before the Superior Court, Commonwealth Court, and having filed successful briefs, and amicus briefs, with all appellate courts in Pennsylvania, including the Supreme Court of Pennsylvania and the Third Circuit Court of Appeals.

Andrew has authored articles on a variety of litigation-related topics published in leading trade journals, including on topics related to the admissibility of a plaintiff's past medical history, the viability of "grief" damages claims under Pennsylvania law, the compensation of fact witnesses and venue challenges, and the patient safety confidentiality provisions of the Medical Care Availability and Reduction of Error (MCARE) Act. He has planned and presented several CLE seminars on a variety of topics, including for the Pennsylvania Bar Institute, the National Business Institute and the Pennsylvania Association of Corporate Counsel. In 2015, he presented a CME course, "Litigation Tips for Surgeons," at the Annual Conference of the Society for Robotic Surgery in Orlando, FL. Andrew has been appointed by the Lehigh County Court of Common Pleas as a Discovery Master in complex litigation.

Andrew made the lateral move to White and Williams in January, 2016. Previously, he was a partner at a Lehigh Valley-based law firm where he had worked for 13 years.

Practice Areas

Healthcare
Commercial Litigation
Professional Liability
Intellectual Property
Appellate

Bar and Court Admissions

Pennsylvania
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 District of Colorado
U.S. Supreme Court
U.S. Court of Appeals for the Third Circuit

Education

Penn State - Dickinson School of Law,
JD, 2000
Wake Forest University, BA, 1997

Representative Matters

- Successfully obtained emergency relief from Supreme Court of Pennsylvania, staying major jury trial set to begin the next day, in suit involving claims brought by the driver of a commercial vehicle who crashed and suffered quadriplegia; argued the trial must be stayed because the Fair Share Act requires all co-defendants be tried at one time, and another co-defendant's appeal of denial of summary judgment – arguing that it was immune from suit – was still pending
- Represented hospital as first chair trial counsel in two-week medical malpractice jury trial, wherein plaintiff alleged failure of hospital's in-house radiologist to diagnose occluded superior mesenteric artery on CT scan, which led to bowel infarction the next day, loss of most of plaintiff's bowels, the need for TPN sustenance, several years of hospitalizations, and, ultimately, death; Plaintiff never lowered demand below \$2,500,000; co-defendant "night-hawk" radiologist, who read the exact same CT scan, settled pre-trial; obtained unanimous defense verdict; case reported in VerdictSearch, Vol. 13, Issue 9, February 2016
- Represented multi-state cement manufacturer as first chair counsel in commercial litigation in the Eastern District of Pennsylvania involving claims that cement that it supplied to a New England-based concrete fabricator was allegedly "defective". Succeeded in establishing with the Court, using expert evidence, that the client's cement was not "defective". Obtained payments, and judgment, in client's favor in a total amount in excess of \$500,000.
- Represented multi-state outdoor advertising company in commercial litigation in Pennsylvania state court involving the issue of whether it had previously acquired the exclusive right to display outdoor advertising signs on certain municipal structures, and whether it could enjoin the attempt to lease those rights to third parties by the municipality. The case was resolved with the client obtaining the relief that it sought.
- Representation of non-profit organization in connection with application for patient safety organization status
- Ongoing representation of large Lehigh Valley-based commercial real estate developer in commercial litigation matters
- Represented hospital as lead counsel in medical malpractice suit claiming alleged "improper utilization" of physician assistants in the emergency department; sought out and secured *amicus* support from national physician assistant organization, and convinced trial court to accept the filing of same; filed 100+ pages of briefs, and conducted oral argument, regarding meaning of "supervision" under Pennsylvania Code; obtained summary judgment on "improper utilization" claims
- Represented hospital and eight of its physicians as lead counsel in case set to be jury tried the following week, and involving a variety of injuries claimed to have been caused during three weeks of in-hospital care; on the eve of trial, and following two years of litigation, dozens of depositions, and the exchange of numerous expert reports, convinced Plaintiff's counsel to voluntarily dismiss complaint against clients, with no payment made
- Represented hospital as co-trial counsel in two week jury trial involving death of 15 year old boy hours after he was discharged from emergency department; plaintiff claimed missed diagnosis of hypertrophic cardiomyopathy; defense claimed patient was properly treated for the asthma he presented with, that he improved prior to discharge, and that the underlying condition was not detectable; obtained unanimous defense verdict
- Represented hospital and its neurologist as co-trial counsel in case that was to be jury tried, but then was taken to private arbitration, involving the alleged failure to administer tPA to a patient with minor and stable stroke symptoms who, later, progressed to having a debilitating stroke; obtained defense verdict

- Represented hospital and its neurosurgeon as co-trial counsel in case that was to be jury tried, but then was taken to private arbitration, involving the alleged failure to timely diagnose a CNS infection in the post-brain surgery setting; plaintiff alleged CNS infection caused permanent severe neurological damage; defense argued that the CNS infection was incidental, and minor, and that plaintiff actually suffered from a rare neurological condition that was an unavoidable consequence of his brain surgery; obtained defense verdict
- Represented landowner as co-trial counsel in commercial litigation involving breach of land sale agreement; upon commencement of representation, saved case from being non-prosed for lack of docket activity; following a non-jury trial, obtained verdict in favor of landowner in an amount in excess of \$1,000,000; case affirmed by Superior Court on appeal; judgment collected from defendant purchaser; case was significantly covered in local media
- Successfully represented, as lead counsel, outdoor advertising company in connection with the securing of sites for its signs, and the right to convert its signs to digital technology, before both zoning hearing boards and the court of common pleas
- Represented electric utility as lead counsel in administrative law hearings involving the definition of “foreign wiring”; obtained favorable interpretation, which was, on appeal by the opposing party, affirmed by the Commonwealth Court and Supreme Court; case now annotates relevant statute in Purdon’s Annotated Statutes
- Represented bank as lead counsel in connection with litigation brought by municipality challenging its right to utilize digital sign technology on its free-standing business sign; obtained right to use that technology from Court of Common Pleas
- Obtained defense verdict as lead counsel on behalf of insured in two story deck collapse case involving alleged serious injuries to a guest of the homeowner, successfully arguing that only a duty to warn against known – not reasonably knowable – dangers existed, and that the homeowner did not know of that the deck was going to collapse as the result of rotted wood surrounding the anchor screws
- Obtained, as lead counsel, preliminary injunctions on behalf of minority faction of non-profit, seeking to preclude majority faction of the organization from removing them from that organization, and seeking to freeze the organizations bank accounts
- Represented, as lead counsel, insured computer seller in trademark and copyright infringement lawsuit brought by Microsoft in the United States District Court for the Eastern District of Pennsylvania; obtained dismissal of claims for nuisance value amount
- Obtained, as lead counsel, defense verdict on behalf of insured auto repair shop in personal injury action brought by plaintiff alleging motor vehicle accident caused by shop’s vehicle caused serious hip injury and need for hip replacement surgery
- Represented international defense contractor as co-trial counsel in breach of asset purchase agreement litigation involving former owner of business it purchased; handled the cross-examination of the main defense witness, and the direct examination of the main witness for client/plaintiff at trial; obtained verdict in favor of client establishing that seller was, and continued to be, obligated to prevent competition by son; obtained confidential settlement amount thereafter

Recognition & Involvement

In 2013, 2014 and 2015 (the last year that he was age-eligible), Andrew was named in a survey of his peers as a Pennsylvania Super Lawyers "Rising Star." He is also a member of the Million Dollar Advocates Forum and the Multi-Million Dollar Advocates Forum.

Andrew serves on the Board of Directors of The Velodrome Fund, Inc., which operates the premier track cycling venue in the United States, the Valley Preferred Cycling Center (a/k/a the T-Town Velodrome) – including as its Chairperson for two terms between 2015 and 2018. He also serves on the Board of Advisors to the Institute for Surgical Excellence, a public non-profit organization dedicated to improving surgical care and patient outcomes.

Andrew is the former President of the Allentown Chamber of Commerce Board of Directors. He has also served on the Board of Directors for the Greater Lehigh Valley Chamber of Commerce.

In the News

Andy Ralston to Serve as Chair of the Northampton County Bar Association's Medical/Legal Committee
January 18, 2018

Events

Civil Trial From Start to Finish
National Business Institute (Bethlehem, PA) | April 23, 2019

Proving Damages in Personal Injury Trials
Northampton County Bar Association Lunch Lecture Series | December 5, 2018

Litigation Tips for Surgeons
Annual Conference of the Society for Robotic Surgery | Orlando, Florida | January 2015

Work Product Limited Immunity and the Attorney Client Privilege
Pennsylvania Bar Institute | December 1, 2011

Publications

Liability in the Telehealth Era
Healthcare Alert | June 18, 2020

Governor Wolf Signs Executive Order Providing Limited Immunity to Healthcare Providers
Healthcare Alert | May 8, 2020

Patient Safety Protections Require Hospitals to Comply With Mandated Protocols
The Legal Intelligencer | April 10, 2018

The “Hungry Tapeworm” of Healthcare the New Joint Focus of Amazon, Berkshire Hathaway, JP Morgan
Healthcare Alert | January 30, 2018

Healthcare Reform Progress or More Fits and Starts?
Healthcare Alert | October 19, 2017

Fall 2017 Healthcare Update: If at First You Don't Succeed, Try, Try Again
Healthcare Alert | September 21, 2017

Update: "Skinny Bill" Fails in Senate Vote
Healthcare Alert | July 28, 2017

ACA Repeal Advances In Senate
Healthcare Alert | July 27, 2017

BCRA Update: McCain Health Scare Delays Senate Vote; Newly Added “Consumer Freedom Option” is Criticized
Healthcare Alert | July 17, 2017

Providing Informed Consent to a Patient Must be Done by the Physician Only
Healthcare Alert | July 7, 2017

The Better Care Reconciliation Act: Overview of CBO Analysis and Healthcare Industry Reactions
Healthcare Alert | June 29, 2017

The Fair Share Act Impacts the Strategic Planning of a Jury Trial
Litigation Alert | May 5, 2017

The Peer Review Privilege May Not Extend to Independent Contractor Physicians
Healthcare Alert | April 10, 2017

Plaintiff's Past Medical History Should Be Deemed Relevant
The Legal Intelligencer | April 25, 2016

Should Grief Damages be Recoverable Under Current Pennsylvania Law?
The Legal Intelligencer | September 29, 2015

The Compensation of Fact Witnesses Must be Examined
Pennsylvania Law Weekly | July 2, 2013

Challenges of a Plaintiff's Choice of Venue Must be Re-Examined
Pennsylvania Law Weekly | November 13, 2012

Cases & Deals

White and Williams Leads Successful Effort to Thwart Speculative Warehouse Development
February 17, 2020

White and Williams Obtains Emergency Stay of Major Jury Trial from Supreme Court of Pennsylvania
May 17, 2016