

I. PAUL HOWANSKY

I. Paul Howansky is a partner in the firm's Insurance Defense litigation practice group. Paul specializes in handling insurance coverage disputes and subrogation claims and manages the firm's appellate practice. Paul handles cases in State and Federal Courts involving matters varying from construction site accidents to products liability and contract disputes. With over 20 years experience, Paul has developed a strong expertise with regard to risk transfer practices and has recovered hundreds of thousands of dollars in fee reimbursement for his clients. Paul regularly advises clients on drafting indemnification and insurance procurement provisions within their trade contracts, and has experience assisting contractors as a "first responder" when a catastrophic construction accident has occurred. Paul is also OSHA accredited and has vast experience in training field workers and on-site medics in accident investigation and reporting.

Paul has authored on risk transfer theories of recovery and additional insured coverage in various NYSBA publications and has presented at numerous NYSBA-sponsored seminars on such topics as Additional Insured Issues, New York State's Labor Law, Collateral Source Offsets, Dispositive Motion Practice and Strategic Use of Declaratory Judgment Actions.

In 1994, Paul graduated with honors from New York University with a double major in Piano Performance and Economics. In 1997, Paul earned his J.D. from Hofstra University School of Law. While at Hofstra Law, Paul had the distinction of serving as Articles Editor for the Hofstra Law Review. Paul's prior employment was with the Manhattan firm of Ohrenstein & Brown, LLP, where he was engaged in both complex general liability and commercial litigation and conducted a CLE-accredited lecture on New York State's No-Fault Law.

In addition to being the proud father of twin daughters, Paul is an avid tennis and volleyball enthusiast, is an accomplished musician/songwriter, has performed 20+ years in a wedding band, is active in the Ukrainian-American community and is a die-hard New York Islanders fan.

Representative Matters:

- Successfully procured in excess of \$900,000 in defense cost reimbursement for an underlying property damage action, the highest one-time reimbursement collection in the insurer client's history.
- Obtained voluntary dismissal of \$550,000 property damage subrogation action by uncovering prior lawsuit against claimant's own roofing company and successfully impeaching claimant's deposition testimony attesting to no prior roof damage.
- Obtained additional insured coverage on behalf of University client by successfully negotiating a voluntary rescission of a prior disclaimer of coverage.
- Obtained favorable settlement in Labor Law action by uncovering compelling notes within hospital records concerning married plaintiff's aggressive conduct towards treating nurses.
- Represented major construction management firm in multi-million dollar property damage subrogation action brought by Hospital and successfully negotiated reimbursement of fees on behalf of client after case settled for \$750,000, with client contributing no money towards settlement.
- Successfully defended against multiple appeals which affirmed client employer's dismissal from Labor Law lawsuit by demonstrating lack of "grave injury" notwithstanding claim of head injury.



CONTACT

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 [LinkedIn Profile](#)

PRACTICE AREAS

Construction / Labor Law

Insurance Law

Appeals

Business & Commercial Law

Subrogation

EDUCATION

Hofstra University School of Law,
Hempstead, NY
» J.D. - 1997
» Honors: With Distinction
» Law Review: Hofstra Law Review,
Articles Editor, 1995 - 1997

New York University, New York, NY
» B.S. - 1994
» Honors: Dean's List
» Major: Piano Performance
» Major: Economics

- Successfully obtained complete indemnification for high profile financial institution in Labor Law suit that ultimately settled for \$7 million.
- Successfully raised “law of the case” defense in obtaining reimbursement of fees for client post trial notwithstanding client’s contract entitling it to fees being cancelled prior to underlying loss.
- Obtained favorable settlement on behalf of Municipal client, developer and contractors on contentious property damage lawsuit involving alleged fraud and failure to underpin adjacent property.
- Successfully prosecuted declaratory judgment action on behalf of homeowner against property insurance carrier resulting in 100% payment on claim.

Published Works

- *Issues Between Defendants, Third Parties and Their Insurers*, NYSBA’s Labor Law Claims, Coverage & Litigation, Program Materials, December, 2016.
- *Additional Insured Coverage in Construction Litigation*, New York State Bar Association’s (NYSBA) Tort and Insurance & Compensation Journal, Summer 2004 – Republished Summer 2006
- *Supplement to NYSBA’s Construction Site Personal Injury Litigation, Chapter on Risk Transfer Theories of Recovery and Defenses*, 2nd Edition, 2007
- *Common Policy Endorsements and Language*, NYSBA Law School for Insurance Professionals, Program Materials, September, 2008
- *Understanding New York’s Direct Action Statute*, NYSBA Law School for Insurance Professionals, Program Materials, October, 2013

Decisions

- *Scoz v. Y&Y Elec. and Intercom Co., Inc.*, 137 A.D.3d 535 (obtained dismissal of plaintiff’s lawsuit by demonstrating that plaintiff’s finger amputation was due to his intentional use of the wrong tool for the job and, as such, his actions constituted the sole proximate cause of his injuries) (1st Dep’t 2016)
- *Hughes v. Tishman Constr. Corp.*, 40 A.D.3d 305, 83 N. Y.S. 2d 86 (reversing lower court and dismissing plaintiff’s Labor Law § 200 cause of action against construction manager) (1st Dep’t 2007)
- *Lillian C. v. Administration for Children’s Services*, 48 A.D.3d 316, 852 N. Y.S.2d 86 (reversing lower court and dismissing lawsuit against ACS in action involving claims of sexual abuse by foster parents) (1st Dep’t 2008)
- *Mooney v. City of New York*, 78 A.D.3d 795, 911 N. Y.S.2d 395 (action against Covenant House dismissed where it was demonstrated that Covenant House would be prejudiced if action was restored to trial calendar) (2d Dep’t 2010)
- *Goodleaf v Tzivos Hashem, Inc.*, 68 A.D.3d 817, 889 N. Y.S.2d 478 (third-party complaint dismissed against contractor-employer where demonstrated that plaintiff did not sustain “grave injury” and contractual indemnification claims was devoid of merit) (2d Dep’t 2009)
- *Morris v. Solow Management Corp.*, 46 A.D.3d 330, 848 N. Y.S.2d 613 (lower court reversed and summary judgment granted in wrongful death action where defendants demonstrated that cause of incident was based purely on speculation) (1st Dep’t 2007)
- *American Guarantee and Liability Insurance Company v. CNA Reinsurance Co.Ltd.*, 42 A.D.3d 338, 839 N. Y.S.2d 740 (successfully argued “law of the case” in denying insurer’s claim for statutory interest on fees) (1st Dep’t 2007)
- *Stein v. Harriet Management, LLC*, 51 A.D.3d 1007, 859 N. Y.S.2d 243 (summary judgment granted to out-of-possession landlord) (2d Dep’t 2008)
- *HRH Constr. Interiors, Inc. v Royal Surplus Lines Ins. Co.*, 16 A.D.3d 115, 719 N. Y.S.2d 76 (granted additional insured coverage and reimbursement of fees for construction manager) (1st Dep’t 2005)
- *Diaz v. Lincoln Center for the Performing Arts, Inc.*, 4 Misc. 3d 139(A), 798 N. Y.S. 2d 343 (lower court reversed and summary judgment granted to defendant in lawsuit alleging false arrest, false imprisonment and malicious prosecution against landmark institution) (App Term, 1st Dep’t 2004)
- *John v Tishman Constr. Corp.*, 32 A.D. 3d 458, 819 N. Y.S. 2d 475 (summary judgment granted to construction manager upon demonstrating lack of duty of care towards plaintiff) (2d Dep’t 2006)

BAR ADMISSIONS

New York, 1998

Connecticut, 1997

U.S. District Court Southern District of New York, 2003

U.S. District Court Eastern District of New York, 2003

HONORS AND AWARDS

Super Lawyers® selected, Metro New York – 2013-Present



CERTIFIED LEGAL SPECIALITIES

OSHA 10 Certification

ASSOCIATIONS / MEMBERSHIPS

New York State Bar Association, Member, 1999 - Present

Defense Research Institute, Member, 2006 - Present