



Josh Stein

Member

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Josh Stein practices in the Transportation & Trade Practice Group within the Business Law Department. His practice includes advising clients on international and domestic regulatory compliance, corporate, transactional, and commercial matters. He has represented both U.S. and foreign companies engaged in international and U.S. inland transportation, offshore drilling, dredging, offshore wind projects, environmental remediation, and marine construction.

Josh handles a wide range of transactional and regulatory matters relating to the maritime and inland transportation sectors. He regularly advises on matters before the U.S. Customs and Border Protection, the Federal Maritime Commission, the U.S. Maritime Administration and the Federal Motor Carrier Safety Administration. He counsels shipowners and other entities on issues such as the registration of vessels and other equipment, citizenship, and compliance with the U.S. cabotage laws. He assists clients with the formation and reorganization of business entities, equipment acquisition and finance, corporate governance, antitrust, and environmental and safety compliance. He also has extensive experience drafting and interpreting carrier discussion agreements, vessel sharing agreements, space charter agreements, various types of marine terminal operator agreements, and other forms of cooperative working agreements.

Josh graduated cum laude from the University of Maryland with a B.A. in government and politics and was elected to the Omicron Delta Kappa Leadership Honorary Society. He received his law degree from Rutgers School of Law - Newark.

Experience

Represented United Intermodal Enterprises LLC in its sale of Consolidated Chassis Management LLC, a manager of marine chassis pools in the United States, to funds managed by the transportation infrastructure strategy of Oaktree Capital Management, L.P.

Secured an important victory before the Federal Maritime Commission ("FMC") on behalf of Hyundai Merchant Marine ("HMM") in a case publicized in the New York Times alleging violations of the Shipping Act and breach of contract. Discovery revealed that not only had HMM acted in a reasonable manner and committed no violations of the Shipping Act, but that it had in fact granted very favorable terms to the complainant in the midst of the 2021-22 supply chain crisis. The judge cited this evidence three times in her decision denying all claims.

Engaged in offshore wind turbine generator installation on behalf of a major European offshore contractor. Advised on the application of the Jones Act in relation to proposed vessel operations involved in the installation of wind turbine generator units for various projects in the United States.

Evaluated and developed a Jones Act-compliant solution for the for the installation of subsea cable, offshore substations and foundations, monopiles, wind turbine components, and scour protection on behalf of a major European offshore contractor. Also submitted a ruling request on behalf of such contractor to U.S. Customs and Border Protection to establish a record of the solution's compliance with U.S. cabotage laws.

Engaged in offshore wind component transportation and installation on behalf of a major European

Practice Areas

- Transportation & Trade
- Maritime Corporate & Finance
- Maritime Regulatory
- Government & Regulatory

Industry Sectors

- Maritime
- Renewable Energy

Education

- Rutgers University School of Law—Newark, J.D., 2006
- University of Maryland, B.A., *cum laude*, 2003

Bar Admissions

- District of Columbia
- Maryland

Awards & Honors

- *The Legal 500 United States* "Next Generation Partner" for Transport: Shipping Finance in 2020-2021; "Leading Lawyer" for Transport: Shipping Finance in 2022-2024

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offshore contractor. Advised on all aspects of the Jones Act, Dredging Statute, Towing Statute, and Passenger Vessel Services Act in relation to proposed vessel operations involved in the transportation and installation of subsea cable, offshore substations and foundations, monopiles, wind turbine components, and scour protection for various projects on the U.S. East Coast. In addition, we reviewed contracts with project owners relating to same.

Obtained a \$29 million international arbitration award on behalf of a Dutch dredging and marine construction company. The dispute arose when a foreign alumina manufacturer began to curtail the quantities of bauxite it accepted from the client, in breach of a mining contract between the parties. When attempts to negotiate a resolution were unsuccessful, we filed a demand with the International Chamber of Commerce and overcame multiple defenses raised by our opponent to secure the sizable award.

Secured dismissal of a complaint filed with the Federal Maritime Commission against our client, a leading ocean transportation and logistics company, by a trucking firm with which the client had terminated its business relationship. The complaint alleged violations of several provisions of the Shipping Act of 1984, and we moved to dismiss it for lack of jurisdiction and failure to state a claim on which relief could be granted. In its response, the complainant was forced to abandon a number of its Shipping Act claims as being devoid of merit, and the administrative law judge dismissed the remaining claims on both theories advanced in our motion.

Acted as special U.S. maritime counsel to a bank in connection with a new Senior Secured Term and Revolving Credit Facilities Agreement for \$1 billion, including preparing mortgages on the U.S. flag vessels owned by U.S. vessel trusts where the borrow was the beneficial owner; negotiating tripartite agreements among agent and trustee, U.S. vessel trust owners, and U.S.-bases bareboat charterers; and obtaining other U.S. security.

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