



Robert W. Phelan

Member

New York

rphelan@cozen.com | (212) 908-1274

Robert Phelan litigates maritime, inland marine, and other transportation cases involving shipping law, international trade law and private international law throughout the domestic United States. Based in New York City, Robert has been admitted *pro hac vice* to litigate such cases on behalf of clients in federal District Courts in California, Connecticut, Delaware, Florida, Indiana, Louisiana, Massachusetts, Maryland, Mississippi, Pennsylvania, and Virginia.

Robert handles claims and recoveries for domestic and international clients arising from air, land or sea losses occurring in the United States, Central and South America, Europe, the CIS, and Asia. He regularly handles complex losses involving failures in yacht design, construction and maintenance. Robert also frequently represents seawall, pier or bridge claimants in allision cases, either as a subrogating plaintiff or as a defendant in maritime limitation actions. In recognition of his handling of maritime matters, Robert has attained the status of a Proctor in Admiralty in the Maritime Law Association of the United States.

Representative admiralty matters include:

- Lead Panel Counsel in litigation for property damage claimants when Maryland's Francis Scott Key Bridge was destroyed by the M/V Dali.
- Secured recovery for subrogated claimant from multiple limitation petitioners in a case that arose when a tug was towing a crane aboard a barge on the East River and the upright crane struck the Brooklyn Bridge.
- Handled recoupment for client at Philadelphia Navy Yard damaged by tugboat allision.
- Litigated 2021 grounding of high-speed passenger ferry, Commodore, on behalf of Seastreak and property insurer.
- Responsible for handling cargo claims arising from the 2015 Hurricane Joaquin sinking of the El Faro, a U.S. cargo ship heading from Florida to Puerto Rico with 33 lives lost.
- Successfully litigated Central America-Europe contamination claim for palm oil commodity broker against charter party shipowner of chemical tanker.
- Handled subrogation relating to capsizing of Seacor Power liftboat after it ventured out into stormy conditions on April 13, 2021, resulting in the deaths of 13 workers supporting offshore work on oil-producing platforms off the coast of Port Fourchon, Louisiana.
- Represented subrogated carrier in the maritime arrest litigation and achieved a greater than 100% recovery of paid claim arising from the allision of the bulker M/V Jalma Topic.
- Successfully concluded a Rule C arrest and market subrogation litigation for property damage resulting from the collision of multipurpose ship M/V Nomadic Milde and bulker M/V Atlantic Venus on the Mississippi River.
- Represented the subrogated insurer in federal litigation when the defendant failed to secure barges in advance of Hurricane Sandy, causing damage to seawall along the Passaic River, NJ.
- Recovered payments for the insurer and a farm cooperative when a tugboat, M/V Wood, pushed barges that allided with a fertilizer facility along the Mississippi River in Palmyra, Mo.
- Recouped monies for subrogated joint venture interests against a crane manufacturer and seller in litigation flowing from the Tappan Zee Bridge crane collapse of July 19, 2016.
- Routinely represents international insurers in connection with multimillion-dollar yacht collisions and

Practice Areas

- Subrogation & Recovery
- Transportation & Logistics Litigation

Industry Sectors

- Insurance

Education

- University of Minnesota Law School, J.D., *cum laude*, 2000
- Georgetown University, B.S.F.S., 1995

Bar Admissions

- New Jersey
- New York

Court Admissions

- U.S. District Court -- New Jersey
- U.S. District Court -- Eastern District of New York
- U.S. District Court -- Northern District of New York
- U.S. District Court -- Southern District of New York
- U.S. District Court -- Maryland

Affiliations

- Maritime Law Association of the United States - Proctor in Admiralty

Claims and Litigation Management Alliance (CLM)

CLM, Subrogation Community Leader

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rphelan@cozen.com

P: (212) 908-1274 | F: (866) 850-7490

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accidents in the Caribbean and Europe.

- Prosecuted numerous property damage litigations both for and against yacht clubs in San Francisco and Antioch, Cal., and Mamaroneck, NY.

Robert also frequently handles Carmack inland marine transportation cases throughout the United States for clients regularly insuring domestic freight in interstate commerce. He has handled recoveries for such clients for damage to, amongst other things, jet engines, industrial machinery, IT equipment, pharmaceuticals, clothing, refrigerated foods, and specialized construction equipment.

Robert also has extensive experience handling damage to fine art and furniture owned by art collectors, on loan to museums and bought from auction houses and galleries, during transit, in storage, and whilst on display. He has recovered for his clients for losses and damage to artwork created by artists and designers such as Anish Kapoor, Mary Corse, Kaws, Adam McEwen, Joan Patten, Sam Francis, Carlo Scarpa, and Yayoi Kusama, amongst others.

Robert also litigates commercial property and high net worth individual personal property matters in New York and New Jersey, handling matters for subrogation clients damaged in such high-profile NYC tragedies as the 1993 WTC Bombing, the 2006 Bartha mid-town explosion, the 2010 7-alarm fire in Chinatown, and the 2023 Ann Street parking garage collapse.

Robert earned a Bachelor of Science in Foreign Service from Georgetown University in 1995 and a law degree, *cum laude*, from the University of Minnesota Law School in 2000. Robert completed the Russian politics certificate program at Saint Petersburg Mining University in 1993 and the European Union Law certificate program at Uppsala University in 1999.