

Transportation & Trade

Cozen O'Connor has assembled one of the most formidable transportation groups of any major U.S. law firm. The team includes more than 30 attorneys with decades of experience in maritime, aviation, logistics, intermodal and ground transport.

Our attorneys represent clients involved in every aspect of the transportation industry, including ocean carriers; cruise lines and ferry companies; air carriers and aviation companies; logistics providers; surface transporters; joint ventures, trade associations and equipment pools; financial institutions, investors and insurers; and many others.

We are recognized leaders in transportation regulations and competition law, commercial contracting, asset-backed financing, joint ventures and cooperative associations, litigation, and government affairs. Our attorneys provide counsel through a diverse range of transportation practices:

- Aviation Litigation
- Aviation Regulatory
- Cruise Industry
- Intermodal & Logistics
- Maritime Antitrust & Competition
- Maritime Corporate & Finance
- Maritime Litigation
- Maritime Regulatory
- Trade Regulations, Export Controls and Sanctions
- Unmanned Aircraft Systems (UAS)/ Drones

Members of Cozen O'Connor have testified as experts on maritime and aviation law in proceedings before foreign tribunals, served on U.S. delegations to negotiate and implement bilateral and international transportation and security agreements, contributed to industry-recognized legal publications, and received the highest rankings from *Chambers and Partners USA* and other sources.

Through our long and successful representation of major players in the global transport industry, Cozen O'Connor has developed a sophisticated understanding of the financial and operational realities that underlie every business decision. This degree of practical industry knowledge is rare among outside counsel, and it enables our attorneys to provide exceptionally useful, commercially astute advice.

Experience

Successfully moved to dismiss claims by National Air Cargo Group (“NACG”) for breach of contract, tortious interference, unfair competition, and prima facie tort against our client, Maersk Line A/S and its corporate parent, A.P. Moller Maersk A/S (APMM) (*National Air Cargo Group, Inc. v. Maersk Line Limited, et al.* 2019 U.S. Dist. LEXIS 166871, 2019 WL 4735426). The dispute stemmed from a Slot Exchange Agreement that Maersk Line A/S entered into with one of NACG’s competitors, which NACG claimed violated an exclusivity provision in a subcontract it had executed with a corporate affiliate of APMM for the transportation of military cargo (which had been at the center of a separate dispute). NACG sought \$90 million in compensatory damages and \$100 million in punitive damages. In granting the motion to dismiss, the court adopted our arguments verbatim, holding that Maersk Line A/S was a separate entity which was not a party to the subcontract, that Maersk Line A/S’s entry into the Slot Exchange Agreement could not possibly be deemed a breach of the subcontract by the



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Related Practice Areas

- Aviation Litigation
- Aviation Regulatory
- Business/Corporate
- Cruise Industry
- Government & Regulatory
- Intermodal & Logistics
- International
- Maritime Antitrust & Competition
- Maritime Corporate & Finance
- Maritime Litigation
- Maritime Regulatory
- Trade Regulations, Export Controls & Sanctions
- Unmanned Aircraft Systems (UAS) / Drones

Industry Sectors

- Aviation
- Maritime

affiliated entity, that a cause of action for tortious interference did not exist as a matter of law, and that the remaining claims were likewise meritless.

Won summary judgment resulting in the dismissal of an \$8 million claim against our clients, Hess Corporation ("Hess") and Hess Energy Marketing, LLC (*Summit Transport, Inc. v. Hess Energy Marketing, et al.*, 2019 WL 430863 (DNJ 2019)). The plaintiff was a New Jersey fuel oil delivery company which alleged that an oral joint venture existed between Hess and it which entitled the plaintiff to a portion of the proceeds when Hess sold its energy marketing business.

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.

The Government Accountability Office ("GAO") sustained a protest brought by Cozen O'Connor challenging technical restrictions in a U.S. Forest Service solicitation for aerial firefighting services. The procurement, structured as a "call when needed" basic ordering agreement, restricted offers to aircraft with a maximum tank size of 5,000 gallons. The restriction would have disqualified Global SuperTanker's converted 747 aircraft, which has a tank capacity of 19,200 gallons. In sustaining the protest, GAO adopted the arguments advanced by Cozen O'Connor that the tank size restriction was unduly restrictive, detrimental to competition, and was not reasonably necessary to meet the Forest Service's needs to fight wildfires. In addition to awarding costs incurred in pursuit of the protest, GAO's decision establishes a clear limit on agency discretion to impose technical restrictions in solicitations. *Global SuperTanker Services, LLC, B-414987 et al.*, 2017 CPD ¶ 345 (Comp. Gen. Nov. 6, 2017).

Secured dismissal of multidistrict litigation centering on allegations that our ocean common carrier client, and several other defendants, fixed prices for transporting vehicles. In granting our motion, the court held that the federal Shipping Act precludes private federal antitrust lawsuits and preempts state law antitrust, consumer protection, and unjust enrichment claims centering on conduct prohibited by the Act. This decision was affirmed by the U.S. Court of Appeals for the Third Circuit.

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.

Represented Alaska Airlines in connection with its selection by the U.S. Department of Transportation as one of only eight U.S. airlines authorized to introduce scheduled air service to Havana, Cuba.

Represented Alaska Airlines in connection with its \$4 billion acquisition of Virgin America, including advising the airline on issues relating to the regulatory review of the transaction and the integration of the airlines' operations.

Secured an unprecedented exception to the Federal Aviation Administration's ban on U.S. aircraft flying into Iraq, which required demonstrating to the FAA and the Transportation Security Administration that our client, international relief organization Samaritan's Purse, had in place the training, procedures, plans, and reliable intelligence needed to safely operate the proposed flights, for which a dedicated operating manual was drafted. This exception permits Samaritan's Purse to use its own aircraft to deliver essential provisions to the victims of the humanitarian crisis stemming from the battle for Mosul.

Represented a pilot and flight instructor in connection with a five-year suspension of his medical license imposed by the FAA, based on an erroneous finding that a minor head injury affected his ability to safely pilot an airplane. Using extensive medical testimony, we persuaded the Federal Air Surgeon that the client should be cleared to fly, effective immediately.
