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\$1B Oil Spill Win

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After over seven years of complex multinational litigation, including nearly five years of discovery – in what has been described in the press as "the biggest lawsuit in maritime history" – Southern District of New York Judge Laura Taylor Swain dismissed with prejudice the Kingdom of Spain's \$1 billion action against our client American Bureau of Shipping ("ABS"), one of the leading maritime classification societies in the world.

Spain had alleged that ABS's conduct with respect to various surveys of the oil tanker M/T Prestige (the "Prestige") was responsible for the oil spill resulting from the sinking of the Prestige in heavy seas off the northwestern coast of Spain in November 2002. In granting summary judgment for ABS, Judge Swain ruled that, even if ABS had acted recklessly (which the court expressly declined to find), a classification society performing services on behalf of a shipowner cannot be held liable "to an injured coastal state on the basis of reckless certification-related conduct," noting that "Spain does not claim to have relied on any certification [by ABS], and there is no proffer of evidence that ABS certification was requested for or directed to Spain." Writing that the relief sought by Spain "would constitute an unwarranted expansion of the existing scope of tort liability," the Court added that Spain's arguments would "reliev[e] shipowners of their ultimate responsibility for certified ships...[and] would be inconsistent with the shipowner's non-delegable duty to ensure the seaworthiness of the ship."

Over the years, many attorneys at the firm have made valuable contributions to this case, and to a related action brought against ABS by various Basque entities that Judge Swain dismissed with prejudice several years ago.

Norman Kleinberg lead the team that also included Steve Hammond, Dan Weiner, Jeff Coleman, Peter Sullivan, Amera Chowhan, Jason Benton, Josiah Trager and Jaime Winkelman. The firm has worked closely since the beginning of the litigation with the maritime firm of John Grimmer & Associates. Jeff Coleman argued the summary judgment motion on behalf of ABS.

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Daniel H. Weiner

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