

Benjamin O. Schupp



member

new orleans

bschupp@mcglinchey.com

T (504) 596-0349 F (504) 910-8427

Legal Secretary

Gretchen States

gstates@mcglinchey.com

(504) 654-1108

education

Tulane University Law School (J.D., 1991, *cum laude*)

Southern Methodist University (B.A., 1988)

admissions

Louisiana

U.S. District Court for the Eastern District of Louisiana

U.S. District Court for the Middle District of Louisiana

U.S. District Court for the Western District of Louisiana

U.S. Court of Appeals for the Fifth Circuit

honors

- *Martindale-Hubbell™ AV Preeminent®* Peer Review Rated Lawyer
- *The Best Lawyers in America®* (Admiralty and Maritime Law, and Commercial Litigation), 2020-present
- “Robert G. Polack Award”, Tulane University School of Law
- “Top Lawyer: Admiralty & Maritime Law,” New Orleans Magazine, 2018

My niche practice serves global clients and revolves around maritime finance, so I have substantial experience in a fairly specialized area that’s unfamiliar to most other attorneys. Clients know they can count on me to take care of business, return calls, and always act with the utmost professionalism. Although I’ve got an easy-going personality, I also bring a strong competitive streak to my litigation practice, which gives me a winning edge.

Focusing on maritime and admiralty law, Benjamin “Ben” O. Schupp advises clients on matters stemming from vessel charters, marine financing, marine construction, maritime liens, dock and terminal issues, and commercial general liability (CGL) insurance. Ben represents financial institutions and international marine asset owners in financing the purchase, construction, or servicing of vessels, oil rigs, and other offshore oil or gas production facilities. In this capacity, he drafts numerous construction contracts, sale agreements, charters, ship mortgages, and loan and registration documentation. Ben represents insurers in the marine and

- Power List: Port and Maritime 2024, *Biz New Orleans Magazine*

affiliations

Professional

- Maritime Law Association of the United States
- New Orleans Bar Association (Board Member 2019-2023)
- Southeastern Admiralty Law Institute
- Marine Money Offshore (conference speaker and article contributor)
- American Bar Foundation, Fellow
- American Bar Association, Business Law Section, Commercial Finance, Chair of Maritime Finance Subcommittee (2019-2020)

general casualty space and has written countless coverage opinions related to commercial general liability insurance policies.

Because Ben handles vessel registrations throughout the world and his clients possess assets in various jurisdictions around the globe, his practice is truly an international one.

Clients rely on Ben's substantial experience in MARAD Title XI financing and financing through the Export-Import Bank of the United States and through banking and private equity channels. He is able to guide clients through complex regulatory requirements to overcome obstacles and get things done.

On the litigation side, recent matters have involved defense of Jones Act claims and prosecution of maritime collection actions. Ben particularly enjoys handling disputes relating to maritime liens and charters. He has represented U.S. and international underwriters, brokers, and businesses in maritime, energy, casualty, and commercial litigation in both state and federal courts, as well as in arbitration. He has also served as lead litigator for vessel and rig owners in maritime and oil and gas disputes, including several cases leading to important decisions in these fields by the United States Fifth Circuit Court of Appeals and the Louisiana Fourth Circuit Court of Appeals. These cases always bring out his competitive nature, and he relishes the chance to do battle on behalf of his clients.

The finance aspect of his work usually involves putting a deal together to help clients make money, employ people, and bring energy to the world, and Ben takes pride in lending his guidance to these positive collaborations.

Representative Experience

Representative Transactions

- Represented Mexican drilling contractor in an EXIM financing transaction involving a \$172 million credit facility for a jack-up drilling rig to be constructed at Keppel AmFELS' yard in Brownsville, Texas. The deal was

recognized in Marine Money magazine's 2014 annual "Noteworthy Deals of the Year" issue.

- Represented investors in the purchase and financing of a fleet of liftboats.
- Represented investors in the purchase, financing and refurbishment of a \$300 million drill ship.
- Represented investment group in connection with the acquisition of a fleet of accommodation vessels.
- Represented Nigerian oil and gas service company in connection with the acquisition of multiple supply boats and liftboats.
- Represented U.S. lenders in connection with the financing of floating casinos.
- Represented Mexican drilling contractor in EXIM financing transaction named "Deal of the Year" by Trade Finance Magazine.
- Represented U.S. lender in connection with the restructuring and payoff of debt secured by maritime assets.
- Represented U.S. lender as special maritime counsel in connection with the refinancing of a U.S. drilling contractor's credit facility secured by a fleet of jack-up rigs and other vessels.
- Represented an investment group as special maritime counsel in connection with the acquisition of a major U.S. tug and barge company.
- Represented ship broker in the drafting of multiple brokerage and vessel sale agreements.

Representative Litigation

- *Lake Charles Stevedores v. M/V VLADIMIR POPOV*, 199 F.3d 220 (5th Cir. 1999)
- *Trico Marine v. Falcon Drilling Company*, 116 F.3d 159 (5th Cir. 1997)
- *Submersible Systems v. Perforadora Central S.A. de C.V.* 249 F.3d 413 (5th Cir. 2001)
- *Terre Aux Boeufs v. J.R. Gray Barge Co.* 803 So.2d 86 (La App. 4th Cir. 2001)
- *Janex Oil Co. Inc. v. Hanover Compressor Co.*, 694 So.2d 415 (La. App. 4th Cir. 1997)

- Represented cargo owner, a Fortune 500 company, in breach of charter matter administered by the Society of Maritime Arbitrators involving liquidated damages for delays.
- Represented rig owners in arbitration for breach of charter for failure to return rigs in proper redelivery condition and for failure to pay proper charter hire, resulting in multimillion-dollar award in rig owner's favor. Award confirmed at *Exploraciones y Perforadora Central, S.A. de C.V. v. Axxis Drilling*, 2017 WL 11537356 (E.D. La. October 4, 2017).
- Represented lenders in collection action against vessels *in rem*. Summary judgment order in favor of Wells Fargo issued at *E.N. Bisso & Sons, Inc. v. M/V BOUCHARD GIRLS*, 2020 WL 5136288 (E.D. La. August 31, 2020) and Wells Fargo's interlocutory sale order granted at *E.N. Bisso & Sons, Inc. v. M/V BOUCHARD GIRLS*, 2020 WL 5095331 (E.D. La. August 28, 2020). Summary judgment order granted in favor of Caterpillar Financial issued at *CATERPILLAR FINANCIAL SERVICES CORPORATION v. IZTACCIHUATL 2501*, its engines, boilers, tackle, apparel, etc., *in rem*, 2020 WL 7861305 (E.D. La. 12/31/2020).
- Represented pipeline company as claimant in limitation proceeding. Obtained summary judgment dismissing vessel owner's limitation proceeding. *In re: Cheramie Marine*, L.L.C. 2:21-CV-02371 (E.D. La. 6/30/2023).