



## Robert W. Berbenich

Partner

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New York, NY – 212.915.5370

Robert Berbenich represents clients in complex litigation stemming from liability-related claims and catastrophic injuries. His extensive trial and appellate experience is complemented by his good working relationships with many of the most sought-after arbitrators and mediators in the Northeast. Rob collaborates with his clients from the initial investigation through resolution – dismissal, settlement, verdict or appeal – to the best possible result.

Rob defends clients against general liability claims, primarily transportation, construction and premises matters. He has assisted national busing and trucking companies, major construction companies, property developers and a variety of municipal entities in complex litigation throughout his career. Public and private entities alike work closely with Rob to mitigate risk and achieve their business objectives, while proactively navigating complex litigation in New York and federal trial and appellate courts.

Given the current political environment and social unrest, Rob's experience with high-exposure mass torts, sexual molestation and abuse claims, and the rising regulatory and criminal assaults on businesses is valued by clients and the judiciary.

### **Transportation**

Rob has represented major busing and trucking companies in dealing with complex litigation in a variety of New York's trial and appellate courts. He has widely represented one of the largest commuter railroads in the world, major busing and trucking companies doing extensive business in New York, and many of the state's municipalities.

### **Labor Law**

Rob is well known to many of the most significant players in the Labor Law arena for achieving superior results for his clients. Rob has his OSHA-10 certification and is highly familiar with the safety measures required on a construction site. The OSHA-10

### **Services**

- Transportation
- Construction
- Complex Tort & General Casualty
- Municipal/Local Government

certification gives Rob a unique perspective when it comes to defending New York State Labor Law §§ 200, 240(1) and 241(6) claims. This insight, combined with his years of experience litigating construction claims, enables him to zealously advocate on behalf of property owners and contractors in this often high-exposure area of litigation

### **Premises**

Rob has represented some of the largest property owners in the state, and he has secured favorable outcomes for them in a variety of liability-related litigations. When a claim arises, Rob seeks to tender the defense and indemnification to our clients' contractual partners where appropriate, and assists clients in tendering the defense of claims under certificates of insurance.

### **Education**

- Touro College Jacob D. Fuchsberg Law Center (J.D., *magna cum laude*, 2013)
- Colgate University (B.A. Political Science, 2003)

### **Bar Admissions**

- New York

### **Court Admissions**

- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York

### **Professional Affiliations**

- CLM, Secretary, Long Island Chapter
- Chaminade High School Lawyers Association
- Colgate University Lawyers Association
- Colgate University Admissions Volunteer

### **Awards & Honors**

- Selected for inclusion in *The Best Lawyers in America® Ones to Watch™*, 2022-2026
- Selected for inclusion in *New York Metro Super Lawyers® Rising Stars™* in the Transportation/Maritime category, 2018–2023

## **Representative Matters**

Tried one of the first in-person trials in New York County after the COVID-19-related suspensions of trials. Rob was part of a team that achieved a great result for a major area bus company in a case brought by a well-known celebrity.

Rob represented a major New York property owner for a high profile case dealing with

catastrophic injuries. Rob's client was a main target as there was limited coverage available from the other parties. Through zealous advocacy, Rob won a dismissal at the trial court, affirmed by the First Department, and the Court of Appeals denied certiorari.

Secured dismissal for property owners and construction companies dealing with claims related to New York's onerous Labor Law 200, 240(1) and 241(6) statutes.

Achieved dismissals for one of the largest commuter railroads in the world on many occasions; also achieved similar results for many of the incorporated villages and municipalities around the New York metro area.