



Coughlin Duffy LLP



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Robert Muilenburg is a Founding Partner of Coughlin Duffy LLP and a member of the Firm's Insurance and Reinsurance Services Group.

Mr. Muilenburg's practice concentrates in insurance coverage, environmental and toxic tort litigation and commercial litigation. Mr. Muilenburg focuses on litigation in New York and New Jersey State and Federal courts. Although he seeks early resolution of disputes, Mr. Muilenburg also has trial experience and has acted as lead counsel in both jury and bench trials. He has successfully argued before Appellate courts throughout the country.

AREAS OF REPRESENTATION

Insurance

- Litigates matters and counsels insurers on a wide range of insurance coverage issues, with an emphasis on disputes arising out of environmental, asbestos exposure, construction defects, additional insured claims, professional liability, directors & officers liability and employment liability.
- Successfully argued insurance coverage cases before New York and New Jersey state and federal courts involving issues including priority of coverage, allocation, recoupment of defense costs, duty to cooperate and additional insured coverage.

Environmental

- Represents a broad spectrum of commercial and industrial companies in environmental disputes focusing on environmental contamination and toxic tort litigation.
- Defends companies in federal CERCLA, New York Navigation Law, and New Jersey Spill Act cost recovery

claims involving soil and groundwater contamination arising out of industrial operations and leaking underground storage tanks.

- Defends toxic tort claims alleging exposure to a variety of compounds including insecticides, MTBE, solvents, chromium, and lead.

Commercial

- Represents contractors in construction litigation.
- Litigates and arbitrates breach of contract actions and claims for property damage.
- Represented the New Jersey Department of Transportation in litigation involving highway construction projects.

Services

Commercial Litigation

Environmental and Toxic Tort

Insurance and Reinsurance

Education

George Washington University, The National Law Center (J.D., with honors, 1987)

Member, Moot Court Board and National Moot Court Team (1986-1987)

Hamilton College (B.A., *magna cum laude*, 1984)

Professional Admissions

United States District Court for the District of Colorado (1989)

United States District Court for the District of New Jersey (1992)

United States District Court for the Northern District of New York (2002)

United States District Court for the Eastern District of New York (2010)

United States District Court for the Southern District of New York (2010)

State of New Jersey (1992)

State of New York (2010)

State of Colorado (1989)

State of Louisiana (1987)

Speaking Engagements

Speaker, "Developments in Construction Defect Law," Coughlin Duffy LLP's Seminar on Emerging Issues in Insurance Coverage (May 10, 2018)

Publications and Presentations

Claims and Litigation Management Alliance, *"Allocation and Coordination Between Various Coverages: Pollution, Commercial General Liability and Professional Liability"*

Scope of liability under the New Jersey Spill Compensation and Control Act and Natural Resource Damages

"What Did He Know and When Did He Know It?", The Labyrinth of Prior Acts Coverage

Challenges of Navigating Additional Insured Coverage and Contractual Indemnity Claims

When Does an Insured Have a Right To Independent Counsel Under New York or New Jersey Law?

The D&O Insurance Implications of Avoidance Actions Filed in Relation to the Madoff Ponzi Scheme

Effects of Insolvency of the Policyholder or Primary Insurer

Use of "Chinese Wall" in Claim Handling – What to Do in Conflict Situations

Memberships

Member, American Bar Association (Sections on Insurance and Environmental)

Member, Defense Research Institute

Member, Claims Litigation Management Alliance

Member, New York State Bar Association

Member, New Jersey State Bar Association

Member, New Jersey State Bar Association (Insurance Law Section and Environmental Law Section)

Member, Professional Liability Underwriting Society