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# U.S. Supreme Court to Resolve Circuit Split on Broker Liability for Negligent Selection

On Friday October 3, 2025, the United States Supreme Court agreed to review *Montgomery v. Caribe Transport II, LLC*, a case that stands to reshape the legal landscape for freight brokers nationwide. At issue is whether federal law preempts state-law claims against freight brokers for the negligent selection of motor carriers or drivers—a question that has divided courts and generated significant uncertainty across the transportation industry.

Federal appellate courts are squarely divided on this issue. The Ninth and Sixth Circuits have held that negligent selection claims against brokers are not preempted, reasoning that these claims fall within the safety exception because they concern the safe operation of motor vehicles. In contrast, the Seventh and Eleventh Circuits have found that such claims are preempted, interpreting the safety exception as requiring a direct connection between the state law and the operation of motor vehicles themselves—such as regulations or claims against actual carriers or drivers—rather than claims against brokers whose conduct is considered too attenuated from direct vehicle operation. Recent decisions from state appellate courts, including in Illinois, have further complicated the landscape, resulting in inconsistent liability exposure depending on where a lawsuit is filed.

## Impact on brokers

This lack of clarity has major implications for freight brokers. As it stands, brokers may be exposed to state-law tort claims in some jurisdictions but not others, creating the risk of forum shopping and inconsistent standards nationwide. The possibility of expanded liability—particularly if the Supreme Court sides with the view that such claims are not preempted—means that

brokers could face lawsuits for negligent selection even when they have complied with all federal requirements.

### **What this means to you**

The Supreme Court's ruling is expected to bring much-needed clarity to this area of law. We are closely monitoring the progress of this case and will provide timely updates as the Supreme Court considers the arguments.

### **Contact us**

If you have questions about how this case may affect your business or wish to discuss your legal strategy, please contact Julie Maurer.