LEGAL UPDATES

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Arizona Court Reinforces Post-*Montgomery* FAAAA Preemption of Broker Cargo-Theft Negligence Claims

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On November 19, 2026, the U.S. District Court, District of Arizona added to the growing line of post-*Montgomery* decisions holding that the Federal Aviation Administration Authorization Act (FAAAA) continues to preempt negligence claims against freight brokers arising from cargo theft where the allegations do not implicate motor vehicle safety. In *Dyson Inc. v. Integrity Logistics Inc.*, the plaintiff alleged that 1,440 hair dryers with presentation stands were stolen while in the defendant's custody. The plaintiff first sued under the Carmack Amendment, and the defendant responded that it was a broker, not a carrier. The plaintiff then sought leave to add negligence, gross-negligence, negligent-hiring, and breach-of-contract theories in the alternative, based on alleged failures to implement security measures and negligent hiring practices. The court acknowledged that the plaintiff could plead alternative theories while the defendant's role remained disputed. It nonetheless denied leave to add the negligence-based claims as futile, finding that they related to the defendant's transportation services and fell outside the FAAAA's safety exception. Even accepting the allegations of repeated losses and deficient security practices (which the defendant vehemently refutes) as true, the court found the theory "too attenuated to implicate public safety."

The decision is consistent with other post-*Montgomery* rulings that distinguish cargo security from motor vehicle safety, including decisions from the Southern District of Texas, the Central District of California, the District of Rhode Island, and the District of Nevada. For brokers, it provides further support for raising an early FAAAA preemption defense to cargo-theft negligence claims, including when a plaintiff adds them after broker status becomes disputed. Allegations of repeated thefts, deficient security practices,

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or negligent hiring do not necessarily invoke the safety exception without a sufficient motor-vehicle-safety connection.

Husch Blackwell's transportation team led the briefing on the motion.

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