

## TRUCK, TRANSIT, & GROUND

Husch Blackwell understands the regulatory, labor and employment, litigation and safety compliance concerns inherent in the ground transportation industry. By resolving day-to-day legal matters and partnering on strategic objectives, we put these clients in the driver's seat.

Our attorneys advise truckload and less-than-truckload (LTL) carriers, long and short haul truckers, third-party logistics providers, transportation brokers, freight forwarders, and other intermediaries on over-the-road matters involving everything from cross-border operations and driver compliance to taxes and litigation. We're here to ensure that clients stay in line with federal and state operational, licensing, security, and regulatory requirements, and we assist with the drafting of internal manuals and external shipping agreements. Our team is deeply immersed in laws such as the:

Carmack Amendment, 49 U.S.C. § 14706

Federal Motor Carrier Safety Administration (FMCSA)

Food Safety Modernization Act (FSMA)

Federal Chemical, Natural Resource, and Waste  
Transportation Law

Resource Conservation and Recovery Act (RCPA)

Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101,  
et seq.

We also defend trucking clients in a wide variety of



*"Thanks to the impressive industry and trial expertise of the Husch Blackwell team, we successfully obtained a motion to dismiss. The case represents the first time we have prevailed on either jurisdictional or venue grounds in a train-crossing accident."*

— CEO, Cross-Border Railway Service —

### Contact Information

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disputes, including cases involving motor vehicle accidents, cargo loss and damage, freight charge claims, cargo theft and fraud and fraudulent use of Standard Carrier Alpha Codes (SCAC), surety bonds, as well as contractual disputes involving transportation master and load-specific agreements. Our litigation experience also includes challenges especially common in the trucking sector, such as issues of negligent hiring and retention, cargo and freight claims, adherence to working hours regulations, analysis of Engine Control Module (ECM) data, communication and GPS tracking data, compliance with Department of Transportation (DOT) requirements, and the intricacies of accident reconstruction. We have also advocated for clients directly before the DOT.

## Representative Experience

Advised one of North America's largest less-than-truckload shippers in sale of division.

Represented national transportation and product manufacturer in various high-stakes lawsuits involving catastrophic injuries and deaths resulting in defense verdicts or other favorable resolutions.

Counsel shippers in U.S. domestic trades to structure agreements with motor carriers to allow shippers to act as Property Brokers to secure cargo from other shippers, licensed by Federal Motor Carrier Safety Administration (FMCSA), to maximize use of container/trailer space on backhaul of motor carrier transport after delivery of their own goods.

Establish offshore and domestic fulfillment facilities for

business-to-consumer (B2C) distribution for e-commerce transactions, representing both retailers and multinational logistics companies.

Advise and assist global logistics firms in negotiating and implementing distribution and warehousing agreements in United States and abroad.

Successfully defeated motions to remand to state court on behalf of interstate moving company on grounds that removal to federal court under Carmack Amendment was proper because all state law claims asserted by plaintiff were preempted.

Represented large North American less-than-truckload carrier when a paper manufacturer filed a counterclaim for cargo loss and damages related to more than 1,200 shipments transported by the carrier on behalf of the manufacturer. Won summary judgment. Because the manufacturer did not file written claims for loss or damage related to these shipments within the nine-month claim filing period as set forth in the Uniform Straight Bill of Lading, the claims for any loss, or damage related to these shipments were barred.

Obtained summary judgment in favor of an interstate motor carrier when a shipment was destroyed by fire in transit where damages were limited to a maximum recovery of only \$0.60 per pound under the terms of the interstate bill of lading contract, despite demands in excess of \$300,000.

Directed verdict in a bench trial defeating claims of emotional distress and damage to household goods brought

against a regional household goods motor carrier (disclosed household goods agent of a larger national interstate household goods mover) that handled the intrastate leg of an interstate shipment of household goods for the plaintiffs. After plaintiffs put on their case in chief, the court granted a motion for directed verdict because plaintiffs failed to establish the regional motor carrier had liability separate and apart from the national interstate household goods mover, who was not a party. The court also agreed that the regional motor carrier was not a proper party under 49 U.S.C. § 13907.

Successfully defeated claims of racial discrimination and disability discrimination against a large bakery who delivers pastries and baked goods nationwide. One of the bakery's delivery drivers was involved in a roll-over accident that totaled the vehicle due to using his personal cell phone while driving in severe weather. The driver was terminated for violating company policy related to distracted driving. The driver filed charges with the EEOC alleging discrimination. The bakery's in-cabin video monitoring conclusively established the roll-over accident as completely preventable and attributable to the driver's distracted driving and that his termination was legal and justified.

Obtained dismissal of a heavy equipment leasing company under the Graves Amendment when a large drill (and the trailer carrying the drill) was accused of causing a serious roll-over accident when the trailer slowly merged onto the freeway. The plaintiff sued the equipment leasing company alleging fault for the plaintiff's serious injuries and property

damage to his uninsured and totaled work truck. The court granted the motion to dismiss finding that the Graves Amendment preempted any and all state law claims against the equipment leasing company because it was regularly engaged in the business of leasing vehicles.

Secured dismissal for motor carrier—a tractor trailer company and its driver—in wrongful death lawsuit.

Decedent was a passenger on a bus traveling from Southern California to Washington who asked to be let off the bus in the middle of the desert, after engaging in threatening and inappropriate behavior towards other passengers. The bus let the passenger off and continued to its destination. The decedent then stood in the middle of the road, stepping in front of a tractor, which swerved to avoid the collision but still struck and killed the decedent. Dismissal was granted because the motor carrier owed no duty and discovery proved that the decedent was unstable.

Granted summary judgment on behalf of national transportation broker dismissing all of carrier's claims arguing that any alleged oral or implied contract claims were barred and otherwise preempted under federal law pursuant to 49 U.S.C. § 14501 (Federal Aviation Administration Authorization Act of 1994). *Custom Stud, Inc. v. Meadow Lark Agency, Inc.*, 2022 U.S. Dist. LEXIS 134655 (D. Minn. July 29, 2022).

Obtained dismissal of claims against freight broker on motion to dismiss for contract and negligent hiring. *Pier Drillers, Inc. v. Freight Logistics, Inc.*, 2021 U.S. Dist. LEXIS

258184 (W.D. Okla. Oct. 22, 2021).

Obtained dismissal of plaintiff's state law negligence claims asserted against motor carrier in excess of \$600,000 as preempted under the Carmack Amendment.

Successfully represented carrier in defense of cargo claim in excess of \$700,000 by enforcing limitation of liability allowed under the Carmack Amendment.

Prevailed on third-party claims brought on behalf of carrier of hazardous materials for third-party companies' failure to properly clean and perform "caustic" wash.

Successfully defended carriers in household goods moving cases.

Regularly draft, negotiate, and revise transportation and maritime contracts for Fortune 500 companies.