

# Commercial Transportation



The commercial transportation industry faces a complex array of state and federal regulations, economic-based operational challenges and one of the highest tort risks of any industry. We have the experience and knowledge essential to representing clients in this field, including but not limited to, the immediate response so critical after catastrophic accidents. Our attorneys routinely handle bodily injury actions, cargo and insurance issues that are unique to the commercial transportation industry. They keep abreast of evolving technology and maintain relationships with experts in the field.

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## Experience

- Defended a shipping services company against a New York intermodal marine terminal in an appeal before the United States Court of Appeals for the Second Circuit. Following a bench trial, the district court entered a judgment rejecting the claims of breach of contract and storage fees pursuant to the New York Terminal Conference Tariff and awarded damages to our client's conversion claim. The plaintiff appealed the district court's judgment. The Second Circuit issued its decision, affirming both the district court's denial of the plaintiff's demurrage claim as well as the award on our client's conversion claim.
- Secured dismissal in assault and negligent security action on behalf of the owner and management company of a luxury uptown Manhattan apartment building. After a motion to reargue, a subsequent motion to renew, and three appellate motions, the First Department affirmed the motion court's decisions granting our client summary judgment motion and denying plaintiff's motion to renew her opposition. The First Department agreed with us and found that we established *prima facie* showing that the entrance to the apartment building was not negligently maintained, resulting in a complete dismissal the complaint.
- Obtained summary judgment dismissal on behalf of trucking company client in personal injury action where no direct claims asserted against client in pleadings.
- Secured dismissal of several truck drivers and trucking company clients in various personal injury litigation due to defective service.
- Coordinated defense of trucking company and truck driver clients in lawsuits arising from multi-vehicle accidents, including five lawsuits arising from nineteen vehicle accident in New Jersey and eight lawsuits arising from six vehicle accident in Pennsylvania.
- Defended motor carriers and broker clients in lawsuits arising under the Carmack Amendment.
- Evaluated and negotiated cargo claims, including household goods, fine art, and other collectible items.
- The New York Appellate Division, First Department, reversed the trial court's increase change in the percentage of the plaintiff's comparative fault and almost \$1.8M increase to the damages awarded to the plaintiff by a jury following trial. The jury previously found the plaintiff's comparative fault was greater than our client and found the plaintiff's damages totaled \$125,000, rejecting the plaintiff's contention that, besides a broken elbow, she injured her back which required back surgery as the result of the pedestrian/auto accident. We appealed the grant of the post-trial motion to the New York Appellate Division, First Department. The First Department unanimously reversed the trial judge's post-trial order, reinstating the jury's verdict.
- Defense counsel in numerous trucking catastrophic accident cases throughout Pennsylvania in all counties and other commercial and insurance defense litigation with successful outcomes.