

# Trucking Liability

Plunkett Cooney's Trucking & Transportation Practice Group includes a team of highly skilled attorneys, each providing specific expertise in this multi-faceted area of practice. Our attorneys have successfully handled matters involving catastrophic personal injury accidents, property damage litigation, cargo claims, Michigan No-Fault Act claims, contractual dispute resolution, insurance coverage disputes, regulatory compliance and transactional work.

## Personal Injury

Our attorneys have built a track record of successfully and economically resolving trucking and transportation accident cases. These matters involve a range of damage claims from questionable no-fault threshold cases to catastrophic claims of personal injuries, disfigurement and death.

The firm's trucking and transportation attorneys advise and defend clients relative to trucker claims for no-fault benefits. They have particular expertise resolving matters in states with unique no fault issues and requirements, including "trucker exclusions" and catastrophic injury funds. In addition, they advise clients and litigate claims regarding set-offs against no-fault benefits involving Social Security, workers' compensation benefits and business expenses, such as maintenance and insurance costs, which self-employed truckers incur.

Advising and defending trucking insurers on priority of payment issues is another aspect of the firm's trucking and transportation practice. Our attorneys have obtained summary judgments in such cases as *Smith v Continental*, U.S. District Court, Eastern District of Michigan, Southern Division, case number 00-73810 and *Hessler v National Fire Union*, U.S. District Court, Eastern District of Michigan, Southern Division, case number 01-74017.

## Emergency Accident Response Team

With seven offices in Michigan and one each in Columbus, Ohio, Chicago, Illinois and Indianapolis, Indiana, members of the Trucking & Transportation Practice Group are ready to respond to accident scenes on short notice in order to document and preserve critical evidence, interview witnesses, communicate with law enforcement and direct the investigation on behalf of motor carriers involved in accidents, which is essential when the severity of the accident warrants such action.

The firm has served as regional accident response counsel for insurance providers to the trucking and transportation industry, as well as on behalf of transportation and logistics companies. Our attorneys advise clients on accident response best practices and have drafted handbooks for trucking companies to proactively address this important business issue.

## FMCSR Compliance

The Federal Motor Carrier Safety Administration (FMCSA) established requirements and guidelines for the commercial trucking industry to protect the public against serious accidents and injuries resulting from much larger and heavier commercial trucks sharing the road.

These regulations are comprehensive and specific to such issues as truck repair and maintenance, weight limits, and driver licensing and testing. They also apply to safe driver behavior, driver hours of service, driver licensing requirements for specialty haulers of hazardous materials and other classifications.

Plunkett Cooney attorneys work with their clients to remain in compliance with Federal Motor Carrier Safety Regulations and respond to alleged violations when they arise. This aspect of the firm's practice requires a close working relationship with fleet vehicle owners and trust with drivers to create a well-functioning regulatory compliance team.

## Cargo Claims

Plunkett Cooney's Trucking & Transportation Practice Group members have developed extensive experience litigating cargo liability claims on both sides of the Motor Carrier/Broker continuum. Our attorneys have successfully resolved freight disputes involving damaged or delayed cargo, as well as the collection of overdue freight charges. They also work to mitigate motor carrier liability for cargo damage or loss during the various stages of commercial transportation of goods by highway. When a cargo claim occurs, it is critical to consult attorneys who understand the multitude of potential insurance issues, litigation defense strategies, case law and legislation such as the Carmack Amendment to the Interstate Commerce Clause and the Federal Motor Carrier Safety Regulations.

## Insurance Coverage

In addition to its reputation as a leading litigation defense firm, Plunkett Cooney is recognized nationally as a top insurance coverage firm. The members of the firm's Trucking & Transportation Practice Group have successfully litigated trucking insurance issues in an ever-growing number of states and in Canada.

They have successfully resolved claims arising out of federal and state regulations, such as the MCS-90 and Owners Liability Acts, reimbursement claims, priority disputes, the reciprocal clause, the anti-subrogation rule, and the omnibus clause.

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## Industry Involvement

Plunkett Cooney's attorneys are actively involved in trucking and transportation organizations within the legal and trucking and transportation industries. They hold leadership positions and are frequently called upon to provide legal updates and other presentations addressing various aspects of liability and insurance coverage.

The Practice Group members belong to and participate in the following associations: Trucking Industry Defense Association, ALFA International Transportation Practice Group, Defense Research Institute Trucking Law Committee, American Trucking Association, Michigan Trucking Association, Ohio Trucking Association, ABA Torts and Insurance Practice Section and Transportation Lawyers Association.

Affiliation with these organizations allows our attorneys to remain current on trends and issues within the trucking and transportation industry and to provide training programs on this continually evolving area of the law.