

## Transit/Cargo

When a cargo shipment is lost or damaged, insurers, trucking companies, freight forwards, and shippers have an opportunity to subrogate and/or otherwise pursue their claims against tortfeasors and other parties within the shipment chain. Cargo and transportation losses implicate a variety of laws, including the Carmack Amendment (now the Interstate Commerce Commission Termination Act) to the Interstate Commerce Act and the Carriage of Goods By Sea Act (COGSA), laws with which our experienced lawyers are familiar. Utilizing their experience, our lawyers assist insurers and self-insured clients with conducting a prompt investigation of the loss and aggressively pursuing the responsible parties. In addition, our lawyers assist investigations by promptly reviewing bill of lading clauses, tariffs, limitation of liability clauses and analyzing the interplay between various laws - such as the Carmack Amendment and the COGSA - to determine the maximum available recovery and develop an effective strategy for pursuing claims against the responsible parties.

Once our investigation identifies subrogation targets and after analyzing any barriers to recovery, our lawyers aggressively pursue identified targets. Where appropriate, our lawyers pursue alternative dispute resolution (ADR) procedures and, if the ADR process does not resolve the case, our lawyers aggressively pursue litigation. In pursuit of subrogation targets, our lawyers have experience litigating cases around the country.

### REPRESENTATIVE MATTERS

Handled several multi-million dollar losses involving train derailments in Pennsylvania, Maryland and Virginia

Partnered with an insurer to recover damages arising from a cargo loss, including analyzing bill of lading and tariff clauses that impacted the recovery

Handled numerous claims involving cargo that was lost or damaged in transit both over land and at sea, including litigating issues involving the Carriage of Goods by Sea Act, the Hague-Visby Rules, the Carmack Amendment of the Interstate Commerce Act and Rule F, which limits liability in maritime actions

Settled multiple claims involving cargo losses where the truck carrying the cargo caught on fire or was involved in a traffic accident

Settled a claim involving a cargo loss that occurred when the freezer mechanism in the truck malfunctioned

### PRACTICE CONTACT

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### RELATED PRACTICES

Construction Defects  
Cyber Subrogation  
Fidelity  
Food Recall Subrogation  
Inland Marine  
Large Loss Property Subrogation  
Maritime Losses  
Product Liability Losses  
Self-Insured Retention  
Subrogation  
Water Loss  
Workers' Compensation Subrogation



125<sup>th</sup>  
ANNIVERSARY

White and  
Williams LLP

Transit/Cargo

Recovered money for an insurer in a situation where cargo was stolen from a storage yard while awaiting further transport

Settled claims where the cargo was damaged or lost overboard during ocean transit

