

NEWS RELEASES

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Husch Blackwell Secures Dismissal in Supply Chain Dispute

Husch Blackwell secured the dismissal in the Northern District of West Virginia on behalf of Locomote Express in a supply chain dispute over damaged goods.

The matter arose out of a warehouse mishandling an interstate shipment of a Pratt and Whitney gas turbine engine. Plaintiff Northstar Technologies alleged the goods were damaged when Locomote's driver pulled away from the loading dock early, arguing that the driver should have verified the goods were properly loaded and secured before exiting the dock. The goods, however, were never loaded onto the truck as a plaintiff's employee stopped the loading process abruptly when the vehicle pulled away, and that because of the quick stop, the goods fell from the forklift and were damaged, requiring repairs or more than \$1 million.

Pratt Whitney Engine Services demanded payment from Northstar Technologies, which engaged in settlement negotiations to pay while reserving the right to pursue Locomote for the damage to the goods. Northstar Technologies ultimately filed suit in the Circuit Court of Harrison County, West Virginia, alleging negligence against the driver, respondeat superior liability against Locomote, and negligent training against Locomote. Northstar Technologies sought "contribution" under each count and for damages totaling \$1.149 million plus prejudgment interest, damages for "aggravation, annoyance, and inconvenience," attorney's fees, and costs.

Led by partner Julie Maurer, the Husch Blackwell team removed the case to the Northern District of West Virginia and filed a motion to dismiss all claims on behalf of Locomote and the driver, on the grounds of Carmack preemption and Federal Aviation Administration Authorization Act preemption. The court granted the motion and remanded the case back to state court, where the case was voluntarily dismissed by Plaintiff.