HUSCH BLACKWELL



Andrew "Andy" Kleiner

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OVERVIEW

Andy represents transportation clients in a variety of litigation.

Throughout his career Andy has represented clients in complex commercial litigation and employment defense matters. However, his primary focus is in the transportation and logistics industries. The clients he serves include major freight carriers and brokers (3PLs), as well as one of the country's largest household goods movers. Andy regularly advises clients on contracts, including broker carrier agreements, bills of lading, indemnity, and other risk transfer language. He's also begun to work with the novel legal issues presented by autonomous vehicles or driverless cars.

Much of Andy's transportation and logistics practice centers on the Carmack Amendment (49 U.S.C. § 14706). He has achieved many favorable outcomes at the Motion to Dismiss stage, as courts have recognized that state law claims, such as negligence, breach of contract, emotional distress, theft, conversion, fraud, violation of state consumer protection or fraud statutes, and others, are preempted by the Carmack Amendment and/or the Federal Aviation Administration Authorization Act ("FAAAA") (49 U.S.C. § 14501(c)(1)).

In addition, Andy continues to handle complex commercial litigation and employment defense matters, both within and outside of the transportation and logistics space. He regularly defends and prosecutes claims involving breach of contract, indemnity, consumer protection/fraud violations, conversion, theft, and misappropriation of trade secrets.

In his employment practice, Andy represents clients in all aspects of litigation and agency proceedings involving claims alleging discrimination based on sex, race,

Industry

Transportation

Services

Autonomous Vehicles
Commercial Litigation
Employment Litigation Defense
Intermediaries
International Trade & Supply Chain
Labor & Employment
Litigation & Alternative Dispute Resolution
Maritime & Ocean Law
Supply Chain Logistics
Truck, Transit, & Ground
Warehousing & Ports

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national origin, religion, disability, and others, as well as retaliation, failure to accommodate, violation of wage and hour laws, and breach of contract under both state and federal law. Andy defends clients in single-plaintiff, multi-plaintiff, and class and collective actions, including the representation of employers in wage and hour collective actions.

A gifted public speaker from an early age, Andy discovered a passion for oral advocacy as a law student. He's extensively experienced in the courtroom, at trial, and in administrative and arbitration hearings—and even if a case is likely to settle, Andy is always prepared for trial.

Alongside his oral skills, Andy is also known for his interest in getting to know clients' businesses so that he can best help achieve their goals, as well as for his clear communication style. He prioritizes keeping clients informed and offering straightforward assessments of their litigation matters.

Experience

- Achieved favorable outcome at arbitration hearing conducted by the AAA in favor of nationwide solar installation company against one of its sales and marketing partners involving allegations of breach of contract, fraud, tortious interference, and unjust enrichment. Obtained dismissal of counterclaims with prejudice and proved client's claims of breach of contract, breach of the covenant of good faith and fair dealing, and unjust enrichment against respondents. Final award of $800,000, including attorney's fees.
- Prevailed on motion to dismiss in case where plaintiff sought $35 million on claims of bad faith litigation, malicious prosecution, and abuse of process. Plaintiff alleged that because she had been forced to be a party in prior litigation, where clients obtained a judgment against the plaintiff's husband for over $3.5 million, she was entitled to damages 10 times the amount of the judgment against her husband as damages. Defeated claims on multiple grounds, including *res judicata*, litigation privilege, lack of personal jurisdiction, and failure to state a claim on all grounds.
- Successfully defeated motion 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.

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Experience

- Secured summary judgment in the Central District of California on behalf of Best Bay Logistics in an international transportation dispute over stolen cargo during the domestic leg of the shipment. Published Opinion: *Fast Post Shanghai Logistics Co., Ltd. v. B612 Tima Inc., et al.*, Case No. EDCV 23-1628 JGB (DTBx) (C.D. Calif. Aug. 26, 2024).
- Published Opinion: *Starceski v. United Van Lines, Int'l*, Docket No. 8:22-cv-00962-WFJCPT, 2022 U.S. Dist. LEXIS 190949 (M.D. Fla. Oct. 19, 2022).
- Secured summary judgment in the Southern District of Ohio on behalf of Navis Pack & Ship in an interstate transportation dispute involving missing artwork. Published Opinion: *Webster v. RTK Enters. of Columbus, LLC,* No. 2:22-CV-3708, 2025 WL 887459 (S.D. Ohio Mar. 21, 2025)

Recognition

- Best Lawyers: Ones to Watch, Commercial Litigation, 2023-2024

Education

- J.D., California Western School of Law
- B.A., Arizona State University
    - *magna cum laude*

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Admissions

- Arizona
- California
- U.S. District Court, District of Arizona
- U.S. District Court, Southern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Central District of California
- U.S. Bankruptcy Court, Northern District of California
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, District of Utah
- U.S. Court of Appeals, Ninth Circuit

Community Leadership

In addition to his role on the Board of Directors for the Federal Bar Association's Phoenix Chapter, Andy is a frequent volunteer through his church. Currently, he volunteers most often with the youth program where both of his children are active.



2025 Year in Review & Outlook for 2026

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