

## **Transportation**

Bullivant Houser Bailey's Transportation practice has broad experience in cargo and transportation law. Based in our firm's San Francisco office, our transportation lawyers advise carriers, NVOCCs, freight forwarders, transportation brokers, couriers and warehouse operators, both directly and through underwriters. We have significant experience involving intrastate, interstate and international transportation for all modes of transportation – motor truck, rail, air and sea.

Our transportation lawyers successfully litigate disputes in state and federal courts, and our international experience and wide network of correspondent counsel enable us to identify particularly favorable (or unfavorable) jurisdictions elsewhere, maximizing results for our clients. We have also worked with many clients to draft their bills of lading, waybills, warehouse receipts, transportation agreements and similar documents. Our lawyers also have experience with public and private sector projects involving the planning, zoning and construction of marine terminals, airport facilities, roads and bridges.

## **Professional Involvement**

Attorneys in Bullivant's Transportation Services Group participate in the following industry organizations:

- Maritime Law Association of the United States
- Association of Marine Underwriters of San Francisco

## **Representative Matters**

The following is a list of representative matters, many of which are the subject of published decisions, handled by attorneys in the Transportation Services Group:

- *HBSC Ins. Ltd., v. Scanwell Container Line Ltd.*, 2002 A.M.C. 411 (C.D. Cal. 2001) – At trial of this subrogation action involving the theft of an overseas shipment of clothing, Bullivant obtained a defense judgment for its ocean carrier client. Sustaining Bullivant's objections to plaintiff's evidence, the court ruled that plaintiff failed to establish its subrogation rights or the value of the lost cargo and that even if plaintiff's evidence were admissible, the ocean carrier's liability was limited.
- *American Home Assur. Co. v. American President Lines, Ltd.*, 44 F.3d 774, 1995 A.M.C. 1036, 41 Fed. R. Evid. Serv. 729 (9th Cir. 1994) – At trial and on appeal to the Ninth Circuit, Bullivant prevailed in this action for freeze damage to fruit brought against an ocean carrier under COGSA.
- *Commercial Union Ins. Co. v. Sponholz*, 866 F.2d 1162, 1989 A.M.C. 1123 (9th Cir. 1989) – In the District Court and on appeal to the Ninth Circuit, Bullivant succeeded in establishing that a marine insurance policy did not cover loss of a trawler due to it being confiscated by police as a stolen vessel.
- *IN RE DELEAS SHIPPING LTD., Et Al.*, 1996 A.M.C. 434 (W.D.Wa., October 27, 1995; As Corrected December 30, 1996) – In an action brought under the Limitation of Liability Act following a fire aboard a container ship, Bullivant attorneys, on behalf of various cargo claimants, defeated the ship owner's and operator's attempts to dismiss all cargo claims pursuant to choice of forum and arbitration clauses.
- *Craig Charles Taylor v. THE AHMEDNAGER QUEEN AND DARRELL ALLWEIN*, 1989 A.M.C. 2631 (N.D. Cal., June 22, 1988) – In a salvage action, Bullivant attorneys obtained summary judgment for the vessel and its owner.
- *Great American Insurance Companies and Fireman's Fund Insurance Company v. M/V ALGENIB, Et Al.*, 1988 A.M.C. 1030 (N.D. Cal., October 1, 1987) – In a cargo loss action under COGSA, Bullivant attorneys obtained partial summary judgment in favor of the cargo interests, defeating defendant ocean carriers' claims that their liability was limited.
- *Cordis Dow Corp. v. S.S. PRESIDENT KENNEDY, HER ENGINES, ETC., American President Lines, Ltd., and Western Pacific Railroad Company*, 1985 A.M.C. 2756 (N.D. Cal., June 11 1984) – Representing a subrogated cargo insurer, Bullivant attorneys prevailed at trial establishing the ocean carrier defendant's liability for

temperature abuse to artificial kidneys during the rail segment of intermodal transportation.

- *Atlantic Mutual Insurance Co. v. Yasutomi Warehouse & Distribution, Inc.*, 326 F.Supp.2d 1123 (C.D.Cal. 2004) – In this Carmack action, Bullivant obtained summary judgment on behalf of its motor truck carrier client, limiting the carrier's liability based on a prior course of dealings between the carrier and the shipper.
- *Transportation Impacts from Large Mixed-Use Real Estate Development* – Counsel for Port Authority developing Port land near airport for large-scale retail, commercial, and hospitality businesses. Provided legal expertise for evaluating and dealing with transportation impacts in NEPA process, negotiation with federal agencies including the Federal Highway Administration and Federal Aviation Administration. Worked closely with Port staff and consultants to bring project to successful conclusion.
- *Development of and Litigation on Improvement of 120 Mile Long Shipping Channel* – Provided legal expertise for wide range of environmental and other impacts associated with deepening the Columbia River for improved passage for larger vessels. Assisted project team in the development of the project and with litigation in federal court that followed.
- *Air Quality Issues Associated with Transportation Services* – Advised Port authority on state and federal legal implications associated with diesel emissions from vessels, railroads and trucks. Kept client current on new developments such as West Coast air quality initiatives advanced by Governors of California, Oregon and Washington.
- *Airport Operations on Edge of National Scenic Area* – Member of project team dealing with controversial effort to improved airport approach and departure zones located adjacent to National Scenic Area. Advised team on path through myriad of regulations and laws from various federal, state and local jurisdictions.
- *Railroad Improvements and Extensions* – Provided advice on legal ramifications of constructing new rail yard loop to facilitate improved and new intermodal cargo transfer for rail, truck and vessel shipping.