EPIC™
Insurance Brokers & Consultants

imua
INLAND MARINE UNDERWRITERS ASSOCIATION

The SCOTUS Montgomery Decision: Fallout, Transportation Logistics, and Emerging Trends

Today's Presenter:

Jared Palmer, Esq.
Principal, Risk Management & Claims
Transportation & Logistics Practice
Direct 317-706-9511 I Mobile (312) 375-5172
jared.palmer@epicbrokers.com

Overview of the SCOTUS ruling in Montgomery

1) Severely limited the FAAA preemption defense, but did not end it in some cases

2) Use of Conditional rated motor carriers is highly risky and should be avoided

3) Still have to prove causation and facts still matter

EPIC™
Insurance Brokers & Consultants

imua

What happens now post Montgomery?

1) Insurers and underwriters need to review the written vetting process of the insured

2) Litigation costs will increase and should be factored into premiums

3) Deeper dive into the overall risk controls at the insured

4) Documentation and consistency are key

NUCLEAR VERDICTS
HIGH STAKES. HIGH IMPACT.
REAL CONSEQUENCES.
INSURANCE
INSURANCE POLICY
LIMITS
DEFENSE
INDEMNITY
RISK MANAGEMENT
TRANSPORTATION
MOVING COMMERCE. MANAGING RISK.

Litigation Trends

1) Multiple party cases, including broker, motor carrier and shipper

2) $604 million dollar verdict against C.H. Robinson using a “Satisfactory” rated motor carrier

3) Dual authority or companies with a related motor carrier company, may have a higher standard of care (Penske Case)

4) Passive shipper reduced liability/exposure (Home Depot Case)

Relevant Cases

1) Home Depot (Supreme Court of Texas)
2) Lipe vs. Lupus Superior (Dallas County Texas)
3) Miller vs. Agramon (Colorado Federal Court)
4) Morales vs. OK Trans (Texas Federal Court)
5) Coleman vs. State of California (California State Court)

IMUA Statement

IMUA Mission Statement: To champion the interests of the inland marine insurance industry and foster the education and development of industry professionals.

The Inland Marine Underwriters Association [IMUA] is a not-for-profit association focused on the commercial inland marine insurance line of business. **Members** - insurance and reinsurance companies that underwrite a significant portion of the commercial inland marine insurance in the U.S.
Associate Members – companies or organizations that provide products and/or services to the insurance industry.

IMUA is committed to advancing the educational, governmental, regulatory and technical interests of the commercial inland marine insurance industry. One of the services IMUA provides its members is the publishing of information for use by underwriters, loss control and claims specialists, and other interested parties. The topics covered by IMUA Reports, Bulletins, News Articles, Seminars and Webinars are intended to provide an overall awareness of the issues, hazards and exposures associated with a specific industry or inland marine class of business.

It is generally not possible to treat any one subject in an exhaustive manner, nor is it IMUA's intent to do so. No warranties are made regarding the thoroughness or accuracy of the information contained in Reports, Bulletins, News Articles Seminars and Webinars or any part of it. Nothing in this information should be interpreted as providing definitive guidance on any question relating to policy interpretation, underwriting practice, or any other issues in insurance coverage. IMUA does not prescribe to its members how to make underwriting or claims decisions, nor does it require that analysis follow any particular format.

For further information contact:

Inland Marine Underwriters Association
14 Wall Street - Suite 820
New York, NY 10005
Phone: 212-233-0550
www.IMUA.org

Matt Derrick, President & CEO
Lillian Colson, Executive Vice President & COO
Eileen Monreale, Education/Training Specialist
Allie Monreale, Media & Marketing Manager
Kayla Cook, Event & Operations Manager