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2016

Benesch has been named **Law Firm of the Year** in **Transportation Law** in the 2016 Edition of U.S. News & World Report/Best Lawyers® “Best Law Firms” ranking.

Only one law firm per practice area in the U.S. is receiving this recognition, making this award a particularly significant achievement. This honor would not have been possible without the support of our clients, who both enable and challenge us every day, and the fine attorneys of our Transportation & Logistics Practice Group.

The U.S. News & World Report/Best Lawyers® “Best Law Firms” rankings are based on an evaluation process that includes the collection of client and lawyer evaluations, peer review from leading attorneys in their field and review of additional information provided by law firms as part of the formal submission process. For more information on Best Lawyers, please visit www.bestlawyers.com.

Counsel for the Road Ahead®

The FDA Got “Jalapeño” Business
With the Publication of the Final Sanitary
Food Transportation Regulations

Unique Preference Defenses Available to
Freight Brokers

Playbook for Managing Risk of Driver
Coercion and Harassment Claims

Recent Events

On the Horizon

The FDA Got “Jalapeño” Business With the Publication of the Final Sanitary Food Transportation Regulations



Stephanie S. Penninger



Brittany L. Shaw

On April 6, 2016, the Food and Drug Administration (FDA) published its Final Rule on the Sanitary Transportation of Human and Animal Food (the Final Rule). These long-awaited regulations were mandated by the Food Safety Modernization Act of 2011.

The bad news is that this burden will mean that freight brokers—specifically included in the Final Rule’s definition of “shipper”—must meet requirements for sanitarily transporting food within the United States by motor and rail vehicles.

The good news is that the Final Rule relies on existing industry best practices. For example, shippers and carriers may agree to a temperature monitoring mechanism for shipments of food that require temperature control for safety. Also, contrary to the proposed regulations, broken seals or evidence of tampering will not create a presumption of adulteration, absent any evidence of actual threats to the public health.

Who Is Covered?

In addition to shippers and brokers, the Final Rule applies to receivers, loaders (a new covered category of persons that load food onto a motor or rail vehicle during transportation operations) and carriers. The Final Rule also applies to international shippers

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Unique Preference Defenses Available to Freight Brokers



Jennifer R. Hoover



Kevin M. Capuzzi

Freight brokers are well-acustomed to bankruptcy preference actions. Those actions, which are permitted under the Bankruptcy Code, allow a debtor, trustee or other bankruptcy estate representative to claw back payments made on account of antecedent debt in the 90 days prior to a bankruptcy filing. Trade creditors, especially those in the transportation industry, are often faced with significant preference claims because they provide service to debtors up until (and sometimes after) the debtor's bankruptcy filing. While many trade creditors are well-versed in the more standard defenses to a bankruptcy preference action, such as new value and ordinary course of business defenses, there also are unique defenses available to freight brokers that are rarely exercised, but may be effective in certain circumstances.

In most cases, a freight broker contracts with a carrier to haul freight on behalf of a shipper. While a shipper often tenders payment directly to a freight broker, the freight broker then generally turns over that payment to the carrier, less any brokerage charges or commission. In situations where the debtor is the shipper, the effect of this scenario is that the alleged preferential payment from the debtor merely passes through the freight broker and ultimately ends up in the hands of the carrier. Since the shipper's relationship is with the freight broker, however, the freight

broker is often the target of the preference claim, not the carrier.

An often overlooked preference defense is the "mere conduit" defense. To be a "mere conduit," a defendant must "establish that it lacked dominion and control over the transfer because the payment simply passed through its hands and it had no power to redirect the funds to its own use." [*Golden v. The Guardian Life Ins. Co. of Am. (In re Lenox Healthcare, Inc.)*, 343 B.R. 96, 103 (Bankr. D. Del. 2006)] With the exception of any brokerage charges or commission of the freight broker, it is generally the case that a shipper's payment only passes through the hands of the freight broker to the carrier. The mere conduit defense should be invoked in this scenario.

The seminal case involving the tripartite relationship among a shipper, broker and carrier in the context of a bankruptcy preference action is *Lyon v. Contech Constr. Prods., Inc. (In re Computrex, Inc.)*, 403 F.3d 807 (6th Cir. 2005). In *Computrex*, the debtor was a freight broker and the recipient of the alleged preferential transfers was the shipper. *Id.* at 809. The shipper argued that the proceeding must be dismissed because the funds that the shipper paid to the debtor on account of the carriers' invoices were not part of the debtor's estate. *Id.* at 810. Rather, the shipper argued that the debtor "was merely a disbursing agent . . . and thus did not exercise sufficient control and dominion over the funds for them to constitute part of its estate." *Id.* In its decision affirming the Bankruptcy Court's dismissal of the preference action, the Sixth Circuit explained that "the broker's brief possession of the shipper's funds was to be similar to that of a transfer station along the road to payment of the shipper's carriers." *Id.* at 811.

Federal regulations assist a freight broker's mere conduit defense. Specifically, 49 C.F.R. § 371.3 requires freight brokers to maintain detailed and separate accounting to track and segregate payments due to carriers. As one Court has noted, "the federal regulations . . . clearly contemplate that brokers . . . may act as a conduit by collecting freight charges owed to the motor carrier, and making appropriate payment to the carrier, less any brokerage charges." [*Trans. Revenue Mgmt. v. Freight Peddlers, Inc.*, 2000 U.S. Dist. LEXIS 22909, at *15 (D.S.C. Sept. 7, 2000)]

It is critical that a freight broker remember to assert a mere conduit defense if faced with a preference suit (along with the more common defenses of new value and ordinary course). Because the freight broker often lacks dominion or control over, and has no possessory interest in, the alleged preferential transfers, it may have a persuasive argument for dismissal of the preference suit.

Benesch's bankruptcy professionals serve the firm's Transportation and Logistics clients throughout the country in the defense of preference actions and other bankruptcy matters and are available to assist you should a need arise.

For more information, please contact **JENNIFER R. HOOVER** at jhoover@beneschlaw.com or (302) 442-7006, or **KEVIN M. CAPUZZI** at kcapuzzi@beneschlaw.com or (302) 442-7063.

Playbook for Managing Risk of Driver Coercion and Harassment Claims



Jonathan Todd

New Federal Motor Carrier Safety Administration (FMCSA) rules issued over winter allow drivers to file complaints for coercion and harassment. All parties to the transportation supply

chain, including shippers, may find themselves subject to investigations and steep penalties. Your company can work to manage the risk associated with coercion or harassment claims by implementing operational best practices.

Driver Coercion Claims

Driver coercion claims carry risk for motor carriers, brokers, forwarders and shippers. The FMCSA's "Prohibiting Coercion" rule, effective on January 29, 2016, prohibits coercing drivers to operate in violation of the safety regulations, hazardous materials regulations or the motor carrier commercial regulations. [*Prohibiting Coercion of Commercial Motor Vehicle Drivers*, Final Rule, 80 Fed. Reg. 74695-74710 (November 30, 2015)]

Driver coercion occurs where threats or adverse actions, including withholding future opportunities, are taken against a driver in response to the driver's statements that transporting a load will violate the regulations. Merely withholding a particular load from a driver who raised regulatory concerns about that shipment is not considered coercion. However, any threats or adverse actions where a driver raises concerns or refuses to haul will be considered coercion—even if the driver's allegation of potential violations was incorrect.

Driver Harassment Claims

Carriers may also find themselves subject to driver harassment claims. The FMCSA's "Electronic Logging Device (ELD) Mandate," with a compliance date of December 18, 2017, in part prohibits harassing drivers to violate the Hours of Service (HOS) rules in connection with the use of ELDs. [*Electronic Logging Devices and Hours of Service Supporting Documents*, Final Rule, 80 Fed. Reg. 78292-78416 (December 16, 2015)] Driver harassment claims are a risk beginning the very moment ELDs are installed in power units, despite the mandatory compliance date.

Driver harassment occurs where the driver commits a violation of the Hours of Service (HOS) rules based on the carrier's actions in connection with an ELD. Unlike coercion, harassment requires that the carrier "knew or should have known" the driver would engage in fatigued driving or violate the HOS rules and that the violation actually occurred. The flood of ELD data that carriers are now receiving, or will soon receive, dramatically increases the likelihood of possessing information about the driver's real-time performance and failing to consider that data when dispatching loads.

Your Risk Exposure

Coercion and harassment claims carry civil penalties of up to \$16,000 for each offense. Claims can also result in revocation of operating authority in egregious cases. Civil penalties are in addition to any penalties associated with underlying regulatory violations and any lawsuits filed by drivers, such as for retaliation in response to refusals to haul.

Driver complaints must be filed with the FMCSA local Division Office or the National Consumer Complaint Database within 90 days of the incident. The FMCSA will investigate all non-frivolous complaints that include adequate information regarding the alleged coercion or harassment. The investigation will include contacting both the driver and the company against whom the claim was filed for additional information. The FMCSA is also recommending that drivers consider filing whistleblower complaints with the Occupational Safety and Health Administration (OSHA).

Your Operations Playbook

Take action to avoid being blindsided by coercion or harassment claims and to help manage those claims if they should occur. The following are eight best practices to consider as you develop and implement your plan for managing the risk of coercion and harassment.

- ENGAGE each driver professionally and with respect, just as with an independent third-party service provider. Recognize that compliance is a team effort.
- TRAIN all staff who interact with drivers to be aware of the regulatory issues relevant to their areas and to be proactive in conversations with drivers. Even seemingly simple driver

comments, such as noting an outdated inspection certificate or low tire tread, could result in a coercion claim if the driver is persuaded to proceed.

- STOP if a driver states that a request will cause him or her to violate the regulations. Listen carefully and understand the driver's concern.
- DO NOT take any actions that may be viewed as pressuring, threatening, intimidating or otherwise harming a driver after he or she expresses a concern. Any consequence for raising a regulatory issue will be used in support of a coercion claim.
- COLLABORATE with those involved to find a solution for hauling the goods. Accept that your company, or your carrier or broker, may need to find an alternative means of servicing a shipment due to the driver's concern.
- DOCUMENT any communications or incidents with drivers regarding regulatory issues. Create a record of the specific concern, any relevant facts and circumstances, and your company's response. Of course, also document the names of the individuals involved and the dates and times of communications or actions.
- MAINTAIN all records and dispose of them appropriately. If a record is created, keep it in accordance with your document retention policy and the requirements for that information type.
- MANAGE data received from ELDs if you are a carrier. Any data in your company's possession will be imputed knowledge in support of a harassment claim if dispatch orders or assigned loads caused HOS violations or fatigued driving.

If your company finds itself the target of an FMCSA investigation, your documentation of the events in question and demonstration of responsible processes and procedures will be key to an appropriate outcome.

For more information, please contact **JONATHAN TODD*** at jtodd@beneschlaw.com or (216) 363-4658.

**Not admitted to practice before the courts of the State of Ohio. Admitted to practice in Missouri only.*

WE'VE COME



Matthew J. Selby

Matthew (Matt) J. Selby joins Benesch as Of Counsel in the Transportation & Logistics and Litigation Practice Groups. He was previously the General Counsel for a motor

carrier and broker where he was a member of the executive team providing advice and counsel on the company's strategic growth plan and business operations, including motor carriage, drayage, cartage, warehousing and brokerage. Matt was also responsible for the management of litigation, insurance claims, employment matters, real estate transactions, grant procurement for alternative fuels, and mergers and acquisitions.

Matt is an active member of Transportation Lawyers Association (TLA). He is also a member of the American Trucking Associations' Safety & Policy Committee, where he was recently involved in the creation of the Committee's strategic policy initiatives. Matt also serves on the Board of Directors for a transportation insurance captive program. Matt has been involved in the movement toward alternative fuels by helping to secure infrastructure and equipment grant agreements with various state and federal agencies for the use of CNG in the transportation industry.

MATT is located in the Cleveland office and can be reached at msselby@beneschlaw.com or (216) 363-4458.

The FDA Got "Jalapeño" Business With the Publication of the Final Sanitary Food Transportation Regulations

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exporting food to the U.S. in a freight container, by ocean or air, when all of the following are met:

1. An intact container is to be transloaded onto a motor or rail carrier;
2. The food is destined for transport in U.S. commerce; and
3. The food will be consumed or distributed within the United States.

Food with safety concerns is prohibited from admission into U.S. commerce.

Exemptions

The Final Rule has the following eight notable exemptions:

1. Shippers, receivers or carriers engaged in food transportation operations that have less than \$500,000 in average annual revenue
2. Transportation activities performed by a farm
3. Transportation of food that is transshipped through the United States to another country
4. Transportation of food that is imported for future export and that is neither consumed nor distributed in the United States
5. Transportation of compressed food gases (e.g., carbon dioxide, nitrogen or oxygen authorized for use in food and beverage products), and food contact substances
6. Transportation of human food byproducts transported for use as animal food without further processing
7. Transportation of food that is completely enclosed by a container, except a food that requires temperature control for safety
8. Transportation of live food animals, except molluscan shellfish

Governed Foodstuffs

The Final Rule applies to foods that are already regulated under the federal Food, Drug and Cosmetic Act, but do not fall within the aforementioned exemptions, including pet food and feed for livestock, food additives and dietary supplements.

Comments by the FDA in the Final Rule indicate that, while not expressly excluded by the regulation, the "transportation of frozen food is not subject to this rule" because the temperature and time required for a frozen food to become thawed and unsafe would result in "significant quality issues" for the food before posing any "safety risk."

Required Written Instructions and Procedures

Of great importance, brokers must specify in writing to carriers and, when necessary, loaders, any particular criteria that must be met to ensure safe and sanitary food transport. These requirements may include design specifications, cleaning procedures and operating temperatures (with any necessary pre-cooling phase), unless the carrier is transporting the food in a thermally insulated tank.

Further, brokers are required to develop and implement written procedures to ensure that:

1. Vehicles and equipment used for transporting food are in an appropriate sanitary condition, including any necessary cleaning or sanitizing practices and inspection requirements
2. Previous cargo does not make the food unsafe, when transporting food in bulk
3. Food is transported under adequate temperature control when required for safety

Record-Keeping Requirements

The Final Rule requires brokers to retain records demonstrating that they have provided information to carriers about the necessary sanitary requirements for a vehicle and the requisite temperature conditions for temperature-controlled food. Specifically, the Final Rule indicates that:

1. These records must be held for a period 12 months beyond the termination of the agreements with the carriers.
2. Written agreements and written procedures must also be held for a period of 12 months beyond when those agreements and procedures are used.
3. Brokers will be required to make all records available to duly authorized individuals promptly upon written or oral requests.
4. Those records must be kept as original, true copies (such as photocopies, pictures, scanned copies, microfilm, microfiche or other accurate reproductions of the original records) or electronic records.
5. Off-site storage of records is permitted, except for written procedures, so long as the records can be retrieved and provided on-site within 24 hours of a request for official review.

Compliance Dates

Small businesses, defined by the Final Rule to include: (1) businesses other than motor carriers that are not also shippers and/or receivers that employ fewer than 500 full-time equivalent employees and (2) motor carriers with less than \$27.5 million in annual receipts, have until April 6, 2018, to comply.

All other covered businesses (besides small businesses) must comply with the Final Rule by April 6, 2017.

What Can Brokers Do To Limit Their Liability?

If there is a possible temperature control failure, then the food cannot be legally

distributed or further released into the food supply chain until a safety determination has been made by a "qualified individual." Failure to comply with the Final Rule could lead to civil and criminal penalties for brokers if the food becomes adulterated while in transit, and the broker does not take steps to prevent the food from moving further along the food supply chain such that it could cause public harm.

Under the Final Rule, brokers can and should contractually assign their responsibilities to other covered parties such as a receiver, loader and/or a carrier. Brokers may consider revising their broker/carrier agreements to go beyond the minimum that is required under the Final Rule, and to contractually specify that if the carrier does not follow the shipper's instructions, then the shipment will be considered adulterated, and the carrier will be held liable.

Then, if a shipper requires that a seal remains intact during transport, and a consignee or receiver refuses the shipment because the seal is broken, the carrier could be held liable under the contract even though it would not necessarily be held liable under the Final Rule.

At a minimum, brokers should:

1. Protect themselves contractually
2. Determine whether or not a shipment is subject to the new regulations, and not assume unnecessary obligations
3. Not accept shipper requirements that cannot be met operationally

If you have questions, please contact **STEPHANIE S. PENNINGER** at spenninger@beneschlaw.com, **BRITTANY L. SHAW** at bshaw@beneschlaw.com or Chris Burroughs at burroughs@tianet.org.

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Pass this copy of *InterConnect* on to a colleague, or email **MEGAN PAJAKOWSKI** at mpajakowski@beneschlaw.com to add someone to the mailing list.

If you would like to receive future issues of the newsletter electronically, please email **SAM DAHER** at sdaher@beneschlaw.com.

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All these years and still GROWING PLACES.

We're expanding our reach with a new office in Chicago. Building our bench with 48 attorney hires in the last 18 months. Attracting great clients doing interesting work—and great attorneys eager to practice in an entrepreneurial and collegial environment.

We're thrilled to welcome our four newest partners, who bring with them thriving practices that complement our existing strengths.

H. ALAN ROTHENBUECHER, Partner

Litigation and Innovations, Information Technology & Intellectual Property (3iP) Practice Groups

W. ERIC BAISDEN, Partner and Co-Chair

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Corporate & Securities Practice Group
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Featured (left to right) H. ALAN ROTHENBUECHER, W. ERIC BAISDEN, JOSEPH P. YONADI, JR., ROBERT A. ROSS

RECENT EVENTS

Columbus Roundtable Council of Supply Chain Management

Marc S. Blubaugh moderated the Roundtable's Annual Transportation Panel, "Transportation & Logistics in 2016: Hit the Ground Running!"
January 15, 2016 | Columbus, OH

SMC3 Jump Start 2016

Jonathan Todd attended.
January 18–20, 2016 | Atlanta, GA

BGSA Supply Chain Conference

James M. Hill and **Eric L. Zalud** attended.
January 20–22, 2016 | West Palm Beach, FL

Intermodal Association of North America's Board of Directors Meeting

Marc S. Blubaugh attended as IANA's General Counsel.
January 20–21, 2016 | Charleston, SC

Transportation Lawyers Association's Chicago Regional Seminar

Stephanie S. Penninger presented *Contract Protection—Protecting Brokers with Broker Carrier Agreements*. **Eric L. Zalud**, **Marc S. Blubaugh**, **Richard A. Plewacki**, **J. Allen Jones, III**, **Kevin M. Capuzzi**, **Thomas B. Kern**, **Kelly E. Mulrane**, **Brittany L. Shaw**, and **Jonathan Todd** attended.
January 21–22, 2016 | Chicago, IL

ACI Admiralty & Maritime Claims and Litigation Conference

Stephanie S. Penninger attended.
January 27–28, 2016 | Houston, TX

ABA TIPS Admiralty and Maritime Law Committee Meeting at the ABA Midyear Meeting

Stephanie S. Penninger attended.
February 4–7, 2016 | San Diego, CA

BB&T Capital Markets Annual Transportation Services Conference

Marc S. Blubaugh spoke on a panel involving regulatory developments affecting the transportation and logistics industry.
Eric L. Zalud attended.
February 10, 2016 | Coral Gables, FL

National Tank Truck Carriers' Winter Membership & Board Meeting

Richard A. Plewacki and **J. Allen Jones, III** attended.
February 10–12, 2015 | Miami, FL

The Traffic Club of the Lehigh Valley

Stephanie S. Penninger spoke on *Hot Transportation Law Topics for 2016 and What's on the Regulatory Horizon*.
February 16, 2016 | Bethlehem, PA

Lytx® User Group Conference

Eric L. Zalud attended.
February 22–24, 2016 | San Diego, CA

Truckload Carriers Association (TCA) Annual Convention

Richard A. Plewacki attended.
March 6–9, 2016 | Las Vegas, NV

International Warehousing Logistics Association's Annual Convention

Marc S. Blubaugh and **Eric L. Zalud** attended.
March 13–15, 2016 | Orlando, FL

American Moving and Storage Association Annual Conference

Jonathan Todd and **Eric L. Zalud** participated in a panel called "Keep it Legal, and Prepare for the Unexpected."
March 20–23, 2016 | New Orleans

ABA TIPS Admiralty and Maritime Law Committee Panel

Stephanie S. Penninger spoke on *Know the Ropes When Flagging Your Vessel*.
March 21–23, 2016 | Stamford, CT

Transportation Intermediaries Association Annual Conference

Martha J. Payne and **Stephanie S. Penninger** were on the panel "Have You Heard the One About the Attorney," addressing hot topics in transportation law. **Stephanie S. Penninger** also presented *Perish the Thought: The Challenges of Moving Food*. **Eric L. Zalud** presented *Lawsuits, Learning From Them and Avoiding Them*.
April 6–9, 2016 | San Antonio, TX

National Customs Brokers and Forwarders Association of America Annual Conference

Jonathan Todd attended.
April 17–20, 2016 | Tucson, AZ

National Private Truck Council Annual Conference

Kelly E. Mulrane and **Stephanie V. McGowan** attended.
April 24–26, 2016 | in Cincinnati, OH

Transportation Lawyers Association's Annual Conference

Marc S. Blubaugh (Immediate Past President of TLA), **Eric L. Zalud** (Past President), and **J. Allen Jones, III** (Committee Chair) attended the conference and Executive Committee Meeting. **Eric L. Zalud** presented on *Casualty Litigation Trial Techniques*. **Martha J. Payne**, **Stephanie S. Penninger** and **Richard A. Plewacki** attended the conference.
April 27–30, 2016 | Destin, FL

American Trucking Association (ATA) Leadership Meeting

Richard A. Plewacki and **Matthew J. Selby** attended.
May 1–3, 2016 | Washington, DC

42nd Annual Conference of the Transportation Logistics Council

J. Allen Jones III presented on *Worker Classification/Independent Contractor Issues*. **Eric L. Zalud** presented *Intermediaries—Protecting Your Interests*. **Martha J. Payne** moderated the panel "Mitigating the Loss: Dealing with Damaged, Refused and Undeliverable Freight." **Stephanie S. Penninger** participated on that panel. **J. Allen Jones, III** participated on the "Transportation Attorney's Panel."
May 2, 2016 | Albuquerque, NM

Intermodal Association of North America's Intermodal Operations and Maintenance Business Meeting and IANA Board Meeting

Marc S. Blubaugh attended as IANA's General Counsel.
May 3–5, 2016 | Chicago, Illinois

Maritime Law Association of the United States/Comité Maritime International Joint Conference

Stephanie S. Penninger and **Kelly E. Mulrane** attended.
May 3–6, 2016 | New York, NY

Customized Logistics and Delivery Association (CLDA) 2016 Annual Meeting & Exposition

Richard A. Plewacki and **Matthew J. Selby** attended.
May 11–14, 2016 | Green Valley Ranch Resort, Las Vegas, NV

Hitchcock/LaLonde Columbus Logistics Breakfast Club

Marc S. Blubaugh presented on regulatory changes affecting the transportation industry
May 20, 2016 | Columbus, OH

Columbus Logistics Conference

Marc S. Blubaugh and **Thomas B. Kern** presented on *Re-Regulating the Industry*.
May 31, 2016 | Columbus, OH

Conference of Freight Counsel

Eric L. Zalud and **Martha J. Payne** attended.
June 5–6, 2016 | Toronto, Canada

Air Cargo 2016

Martha J. Payne, **Stephanie S. Penninger** and **Jonathan Todd** attended.
June 8–10, 2016 | Phoenix, AZ



ON THE HORIZON

American Trucking Associations' General Counsel's Forum

Martha J. Payne, Stephanie S. Penninger, Matthew J. Selby, Steven M. Moss and Marc S. Blubaugh will be attending. Steven M. Moss will be presenting *NLRB Aggressively Driving Its Agenda: Trials, Tribulations & Legal Responses*. Stephanie S. Penninger will be presenting *Just-in-Time: New Food Safety Rules and What They Mean for Motor Carrier Counsel?* July 17–20, 2016 | Bellevue, WA

NTTC Summer Membership and Board Meeting

Richard A. Plewacki and J. Allen Jones, III will be attending. July 24–27, 2016 | Coeur d' Alene, ID

Ohio Trucking Association

Joseph N. Gross and Steven M. Moss are copresenting the Webinar "The New Overtime Regulations" on how the new federal overtime regulations affect the trucking industry. July 30, 2016 | Webinar

ABA TIPS Admiralty and Maritime Law Committee Meeting at the ABA Annual Meeting

Stephanie S. Penninger is attending. August 4–7, 2016 | San Francisco, CA

Customized Logistics and Delivery Association (CLDA)

Richard A. Plewacki will be attending. September 12–14, 2016 | Dallas, TX

Arkansas Trucking Seminar

Eric L. Zalud is attending. September 13, 2016 | Fayetteville, AR

The FTR Transportation Conference

Stephanie V. McGowan and Brittany L. Shaw are attending. September 13–15, 2016 | Indianapolis, IN

Intermodal Association of North America's EXPO

Marc S. Blubaugh will be presenting *Intermodal Legislative & Regulatory Report: What's the Impact on Your Business?* Martha J. Payne and Stephanie S. Penninger are attending. September 19, 2016 | Houston, TX

The Annual Conference on Transportation Innovation and Savings

Eric L. Zalud is attending. September 21–24, 2016 | Toronto, Canada

The Global TerraLex Conference

Eric L. Zalud is attending. September 21–24, 2016 | New York City, NY

Indiana Motor Truck Association (IMTA) Future Leaders Council Annual Conference

Stephanie V. McGowan and Brittany L. Shaw are attending. September 22–23, 2016 | Bloomington, IN

Canadian Transportation Lawyers Association's Annual Conference

Marc S. Blubaugh will be presenting *Regulatory Investigations Affecting The Transportation and Logistics Industry*. Martha J. Payne and Eric L. Zalud is attending. September 23, 2016 | Toronto, ON

Joint 50th Anniversary Meetings of the Tulane Admiralty Law Institute & Maritime Law Association of the U.S.

Stephanie S. Penninger is attending. October 4–7, 2016 | New Orleans, LA

The 49th Transportation Law Institute (TLI)

Stephanie S. Penninger will be moderating "One if By Land, Two if By Sea: The Latest on MAP 21, Safely Transporting Food, Ocean Carriage and Hello Cuba!" Marc S. Blubaugh will be presenting on *There's a Meltdown at the Port . . . Now What?* Richard A. Plewacki and Eric L. Zalud will be attending. November 4, 2016 | Houston, TX

Private Equity Investing in Transportation & Logistics Companies Capital Roundtable

Marc S. Blubaugh, James M. Hill, Jennifer R. Hoover and Eric L. Zalud will be attending. November 17, 2016 | New York, NY

For further information and registration, please contact **MEGAN PAJAKOWSKI**, Client Services Manager, at mpajakowski@beneschlaw.com or (216) 363-4639.

Transportation & Logistics Group

For more information about the Transportation & Logistics Group, please contact any of the following:

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