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A publication of Benesch Friedlander Coplan & Aronoff LLP's Transportation & Logistics Group

## Top 3 Legislative Actions Following the East Palestine Derailment

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Holly F. Gross

In Ohio, the nation's capital, and across the country, legislators have taken action in response to the Norfolk Southern train derailment that occurred in East Palestine, Ohio, on February 3. Here are the top three things to know:

- 1. Federal Legislation Introduced.** Bipartisan federal legislation has been introduced by U.S. Senators for Ohio Sherrod Brown and J.D. Vance. The Railway Safety Act of 2023 would require the U.S. Department of Transportation to adopt rules within one year of enactment that place new restrictions on shippers and on rail carriers operating a train transporting hazardous materials that are not already subject to high-hazard flammable train requirements. The rules would require shippers and rail carriers to provide advance notice to each state emergency response commissioner of the contents they are transporting, as well as place additional restrictions regarding train length and weight; route analysis and selection; speed; track standards; track, bridge, and railcar maintenance; signaling and train control; and response plans. Of note, the bill gives broad authority to the USDOT to impose any other restrictions necessary. The Act also proposes to expand rail inspections, including an audit system for monitoring. A mandate that all Class I railroads install a hotbox detector along every 10-mile segment of rail track over which trains carrying hazardous materials operate is also in the bill, as well as a two-person minimum crew requirement and heightened civil penalties for safety violations by raising minimum fines. Some \$22 million will be appropriated for grants targeting the improvement and research of wayside defect detectors and the prevention of derailments. Senate Bill 576 awaits formal hearings in the Senate Commerce, Science, and Transportation Committee. The measure has been lauded by President Biden, but faces opposition by key members of the Senate, industry, and a broad range of business groups.
- 2. State Legislation Advancing.** Legislators in states including Pennsylvania, Washington, Ohio, Michigan, Indiana, California, and South Carolina have introduced or advanced railroad safety legislation. While most regulatory authority over the railroads is held by the federal government, a

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## Top 3 Legislative Actions Following the East Palestine Derailment

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public debate has already begun on the topic of whether certain state laws being proposed are preempted by federal regulations. For example, there has been an uptick in the introduction and passage of resolutions urging Congress to enact stricter safety measures, and both chambers of the Ohio Legislature recently amended the state's Transportation Budget Bill, House Bill 23, to include the two-man crew requirement, require wayside detectors to generally be installed between 10 and 15 miles apart and mandate state agency oversight to ensure proper installation, mandated agency examination and reporting of best practices for hot boxes, hot bearing detectors, acoustic bearing detectors, and cameras installed on or near railroad tracks, and reporting requirements for railroads when a train blocks a highway-grade crossing. Under Ohio law, the transportation budget must pass by March 31, leaving only a short time to debate these important issues, and as part of much broader policy discussions. Legislators across the country are facing

public pressure from their constituents to respond, and in some instances, are doing so expeditiously despite serious concern and opposition from the railroad industry.

**3. Investigatory Hearings Underway.** The U.S. Senate recently held hearings in the Senate Environment and Public Works Committee on the derailment in an attempt to uncover the causes and to explore public policy solutions to prevent such occurrences in the future. Sen. Brown is expected to continue utilizing his chairmanship on the Senate Committee on Banking, Housing, and Urban Affairs to steer the conversation, and the U.S. House Subcommittee on Environment, Manufacturing, and Critical Materials will hold a hearing later this month. At the state level, the Ohio Senate has created a new Select Committee on Rail Safety with the stated objectives of gaining a clearer understanding of the cause of the catastrophic train derailment and the status of recovery efforts and to determine the most appropriate course of action to help local residents. These hearings demonstrate

that in addition to policymaking, legislators are utilizing their authority to investigate and convene public meetings as a means to respond to public concern.

In addition to the above, executive action has been proposed. While bipartisan support for advancing additional safety measures exists, the current debate signals a lack of full alignment on the path forward. Indeed, the various stakeholders partaking in these discussions have varying opinions on the desired legislative solutions, both at the state and federal levels. For assistance elevating your voice with legislators and tracking, analyzing, and navigating the abundance of legislative activity in this space and how it might impact your operations, your Benesch Government Relations team is here to help.

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# U.S. Customs Petition for Relief Primer



Jonathan R. Todd



Vanessa I. Gomez

Enforcement action by U.S. Customs and Border Protection (CBP) is not uncommon even for the most diligent of importers or service providers. CBP may issue a Notice of Penalty in circumstances where it believes a violation occurred, and remedies available to the federal government include liquidated damages or civil penalties. Common examples of scenarios where Notices are issued include a bonded carrier's failure to close out its bond, an export forwarder's failure to enter a correct port code in AES, or an importer's technical violation of customs laws, including the attempt to import goods that are otherwise unlawful. The party receiving a Notice generally has the opportunity to contest the facts and law, and argue for mitigation of the monetary exposure, by filing what is known as a petition for relief [19 CFR 172.2].

This simple primer provides background on what petitions for relief are and how the process can help to mitigate exposure for liquidated damages or civil penalties sought by CBP.

## Who may file a petition for relief?

A CBP Fines, Penalties, and Forfeitures Officer ("CBP Officer") will send the written Notice to the allegedly offending party, which is often the customs bond's principal where the underlying obligation was secured by a bond [19 CFR 172.1]. In response, the party receiving a Notice may directly or through an attorney file a petition for relief (a "Petitioning Party") [19 CFR 171.1 (b)]. Corporations filing petitions on their own behalf must have an officer, supervisor, or employee sign the petition on its behalf [19 CFR 171.1 (b)].

## What must be contained in a petition for relief?

Petitions for relief should be addressed to the CBP Officer who sent the notice of right to petition [19 CFR 171.2]. Petitions may be filed electronically or in paper form. However, those filed in paper form should include duplicate copies [19 CFR 171.2(d)]. CBP can require that the petition and supporting document be submitted in English or with an accompanied English translation [19 CFR 171.1 (c)]. The petition's contents must include:

- A description of the property (in the case of a seizure)
- Date and place of the violation or seizure
- Facts and circumstances justifying remission or mitigation
- Proof of a partitionable interest in the seized property (in the case of a seizure) [19 CFR 171.1 (c)]

In addition to filing petitions, oral representations are available where penalties are incurred for alleged fraud, gross negligence, negligence, or false drawback claims associated with paying tariffs [19 USC 1592; 19 USC 1593a; 19 CFR 171.3].

## What is the review process for petitions?

The timeline for filing a petition for relief will depend on the reason for which relief is being sought. A petitioner seeking relief from seizures must file within thirty (30) days after the mailing of the Notice [19 CFR 171.2 (b)(1)]. Petitioners seeking relief from liquidated damages or penalties must generally file within sixty (60) days of the mailing of the Notice [19 CFR 171.2 (b)(2)]. Petitions for remission of forfeiture must be filed prior to the final disposition of the property is made [19 CFR 171.13 (b)]. However, the CBP officer may implement a stricter timeline for cases within one hundred eighty (180) days of the statute of limitations [19 CFR 171.2 (e)]. In those cases, the CBP Officer may require the petitioner to seek relief within a reasonable period of at least seven (7) working

days [19 CFR 171.2 (e)]. While CBP tends to follow its timelines, we have had success in asking CBP officers to grant extensions of time where there are extenuating circumstances [19 CFR 171.2 (c)].

## What are the possible results from a petition?

The reviewing CBP Officer may remit, mitigate, cancel, or remit without payment as he or she deems appropriate [19 USC 1618; 31 USC 5321(c); 19 CFR 171.11 (a)]. For example, the CBP Officer may cancel the claim of penalty or forfeiture upon concluding the acts or omissions forming the basis of the claim did not occur [19 CFR 171.11 (b)]. The CBP Officer will deny a petition for relief if he or she determines it is filed incorrectly, untimely, or without justification warranting remission, mitigation, or cancellation. The Petitioning Party must either pay the amount stated in the decision or dispute the decision within sixty (60) days unless a different time frame is prescribed [19 CFR 171.22]. A Petitioning Party that is unsatisfied with the decision following the original petition may file a supplemental petition [19 CFR 171.61]. Supplemental petitions may be filed regardless of whether the Petitioning Party has already paid a mitigated penalty or forfeiture remission designated by the decision to the original petition [19 CFR 171.61]. CBP may require the Petitioning Party to waive the statute of limitations prior to accepting the supplemental petition for cases with less than one (1) year before the end of the statute of limitations [19 CFR 171.64].

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## The Check's in the Mail— But, Are We Done Now?



Eric L. Zalud



John C. Gentile

The shipment of goods through various complicated shipment schematics, in conjunction with commercial situations by which transportation and logistics contracting parties have ongoing relationships, often involves a series of similar shipments. Occasionally, unfortunately, those relationships break down and litigation, or threats of litigation, result. In many of these situations, one of the parties attempts to resolve all claims vis-à-vis the other party, and negotiates what it believes to be a complete settlement, or, in legal terms—an accord and satisfaction.

These agreements are frequently memorialized by formal settlement and release agreements.

However, in the press of everyday business dealings, they may be memorialized by a notation on a check, to the effect that “this payment resolves all claims between the parties” or words to the effect. Over the years, many of our clients have wondered what to do upon receipt of a check like that. A recent case provides an answer to that very real day-to-day question.

In *5556 Furnishings, LLC v. Schneider National Carriers, Inc.*, 2022 WL 3401426 (N.D. Miss. Aug. 16, 2022), 5556 Furnishings (“5556” or “Plaintiff”) operated an online retail furniture sales business. Its business model was that, after an end-user customer placed an order, 5556 would order the product from the actual supplier. Then, through a business arrangement with a third-party logistics provider, that entity would deliver the product to the end user.

5556 had contracted with Schneider National Carriers, Inc. (“Schneider” or “Defendant”) for a series of those types of transactions and deliveries, over a period of years. However, in mid-2019, Schneider notified 5556 that it

would no longer be providing these services to 5556. Since there were various shipments still in progress, and also various outstanding claims related to prior deliveries, and amounts still owed, the parties attempted to conclude their relationship informally, by a series of email exchanges.

The culmination of those negotiations was an email from Schneider to 5556 (without counsel): “With this information, I would like to make an offer to settle all pending and future known claims . . . I would like to make an offer of 50% of the current outstanding. . . .” [5556 *Furnishings, LLC*, at \*4]

5556 responded: “We will accept the offer of 50% of the current outstanding.” [*Id.*]

Schneider answered: “Thank you! There is nothing else needed.” [*Id.* at \*5]

5556 then responded: “I received the check today. It stated on the invoice that it was full and final payment of all [ ] claims . . . [h]owever, we only stated that this was just for the outstanding ones noted. Not any future ones.” [*Id.* at \*6]

Schneider closed with: “Please do not cash the check if you do not agree to the terms of full and final settlement as highlighted below.” [*Id.*] One of the owners of AFC Wholesale (one of the customers), nonetheless cashed the check the following day. That witness acknowledged in his deposition that he was aware of Defendant’s instructions regarding cashing the check. [See *id.* at \*6.]

Plaintiff contended that cashing the check did not serve as an “accord and satisfaction” of all its claims against Defendant because of the prior emails that said it was reserving its rights on potential claims. However, the court noted that Defendant’s representative clearly understood the purpose of issuing the check, and what Plaintiff had said about the check. The court then found that the law, at least in Mississippi, was clear that “despite whatever contentions a party may make to the contrary, cashing a check marked “final payment” constitutes an accord and satisfaction

agreement, which precludes that party from bringing future claims for “additional payment.” [5556 *Furnishings, LLC*, at \*6]

This body of law is governed by state law, so it varies from state to state. Also, this analysis is impacted by the Uniform Commercial Code § 3-311 – Accord and Satisfaction by Use of Instrument, which states have adapted in various forms. [See, e.g., Del. Code Ann. tit. 6, § 3-311 (West); *Fox Consulting v. Spartan Warehouse & Distrib., Inc.*, 73 N.E.3d 1055,

1058 (Ohio Ct. App. 2016) (citing R.C. 1303.40 as Ohio’s version of U.C.C. § 3-311); *Progressive N. Ins. Co. v. Ayala*, 198 N.E.3d 612, 618 (IL App. (1st) 2021) (noting Illinois has adopted 810 ILCS 5/3-311 as Illinois’ version of U.C.C. § 3-311).]

However, the foregoing *does* provide a cautionary reminder to be very careful, and probably consult counsel, when such a check is received—or before sending a check with that type of notation.

For more information on these topics, contact a member of the firm’s Transportation & Logistics Group.

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# Ready for what’s next.

## BENESCH ADDS CORPORATE AND SECURITIES PARTNER TO TRANSPORTATION ROSTER

We are pleased to announce that **Aslam A. Rawoof** has joined the firm’s New York office.



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Aslam has a broad transactional practice, including capital markets transactions, general corporate, and corporate governance matters. Notably, Aslam has a history of representing clients in the transportation industry, including a leading intermodal chassis provider, on corporate governance, financing, and securities law matters.

Aslam also represents issuers and underwriters on a variety of complex securities matters, including initial public offerings, other public and private equity offerings, investment grade and high-yield debt offerings, acquisition financings, debt tender offers, exchange offers, and other refinancing transactions.



## U.S. Customs Protest Primer



Jonathan R. Todd



Megan K. MacCallum



Ashley Rice

U.S. Customs and Border Protection (CBP) serves both a revenue-generating function within the federal government and also a protective function to guard consumers, domestic industry, and national security. In doing so, CBP exercises broad discretion as it decides issues of critical importance to domestic stakeholders. Those decisions are subject to review when resulting in an incorrect conclusion or adverse impact, particularly through exercising the right of protest [19 USC 1514; 19 CFR 174.2, 174.11]. Protesting can be an important and impactful right considering the high-dollar and high-stakes nature of import trades.

This simple primer provides background on what protests are and how the process can

help to mitigate exposure from erroneous or incorrect decisions by CBP.

### What is a protest?

Only a few stakeholders may protest a CBP decision (a "Protesting Party").

A Protesting Party may

be: a customs broker (CHB); an importer or consignee on entry papers; or any person paying or receiving a refund of any charge or exaction [19 CFR 174.3, 174.12]. Additionally, an agent or attorney for a Protesting Party may file a protest on its behalf [19 CFR 174.3]. The range of CBP actions and decisions subject to the right of protest includes:

- Clerical error
- Appraised value of merchandise
- Classification and rate and amount of duties chargeable
- Charges and extractions, including accrued interest
- Exclusion of merchandise from entry, delivery, or demand for redelivery to CBP custody

(except for under certain laws dealing with unfair import trade practices)

- Liquidation or reliquidation of an entry or modification of an entry
- Refusal to pay a claim for drawback
- Refusal to reliquidate an entry made before 2004
- Refusal to reliquidate entry under Free Trade Agreement rules of origin [19 USC 1520(d)]

### What is the process?

A protest may be filed within one hundred eighty (180) days of either of two trigger events: liquidation of the entry for import, or the issuance of a CBP decision. Generally, CBP will review the protest and either allow or deny it within two (2) years of its filing [19 USC 1515(a); 19 USC 174.29].

However, a Protesting Party may also request accelerated review and disposition of the protest [19 USC 1514; 1515(a); 19 USC 174.29]. To obtain accelerated disposition, a Protesting Party should file by registered or certified mail a written request (a "Request") with the Port Director, Center director, or the CBP Officer with whom the protest was filed [19 CFR 174.22(b)]. The Request itself should contain basic identification of the Protesting Party and the protest itself [19 CFR 174.22S]. The official who received the Request will review the applicable protest within thirty (30) days of the mailing of the Request, and the official will allow or deny the protest in whole or in part [19 CFR 174.22(c)]. If the official fails to do so, then the protest will be deemed to have been denied [19 CFR 174.22(c); 19 USC 1515(b)].

Protests will also be deemed denied if they are related to an administrative action relating to the exclusion of merchandise from entry or delivery under Customs Laws and if they are not allowed or denied within thirty (30) days, or if the protest was filed as a result of a final determination or deemed exclusion of detained merchandise and it is not allowed or denied in whole or in part within thirty (30) days [19 CFR 151.16(g), 174.21(b), 174.31].

Additionally, when a protest is created and any time before it is decided, the Protesting Party can apply for further review of the protest [19 USC 1515(a)]. If granted, then the protest will be subject to additional review by a second CBP officer, but still subject to the two-year review time period proscribed for CBP review. If the Protesting Party believes the application for further review was erroneously or improperly denied, it may file a request that the decision be set aside within sixty (60) days of the denial date [19 USC 1515(c)].

### What happens after review?

A protest will be reviewed and then CBP will either allow it in whole or in part, or deny it [19 USC 1515]. If a protest is allowed in whole or in part, then CBP will remit or refund any duties, charges, or exactions determined to have been excessive or pay any drawback that is determined to have been due [19 USC 1515]. Within ninety (90) days after issuing a protest review, CBP will publish the decision [19 CFR 174.32].

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*“Protesting can be an important and impactful right considering the high-dollar and high-stakes nature of import trades.”*

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While CBP generally has two (2) years to review a protest, if the protest is denied, then notice of denial will be mailed to the Protesting Party within thirty (30) days of the mailing date of the protest. This notice will include the reason for the denial and will detail the Protesting Party’s right to file civil action [19 USC 1514; 19 CFR 174.30].

### How do I dispute Denial of Protest?

If a protest is denied, a Protesting Party may contest the denial by filing civil action in the U.S. Court of International Trade within one hundred eighty (180) days after: the date of mailing the notice of denial in whole or part; the date of deemed denial for a protest subject to a Request; or the date that a protest is otherwise deemed denied [19 CFR 174.31; 28 USC 2632]. A civil action contesting the denial of a

protest may only occur if all liquidated duties, charges, or exactions have been paid at the time the action is commenced except for a surety’s payment obligations [28 USC 2637].

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## Biometric Bombshells: Twin Shots Across the BIPA Bow



Marc S. Blubaugh



Mark S. Eisen

Effective development and deployment of innovative technology is often a key differentiator among providers of transportation and logistics-related services. Of course, innovation can also create certain risks that must be managed carefully. Providers and commercial users of transportation and logistics services should take heed from two recent developments in court that dramatically illustrate the high stakes involved

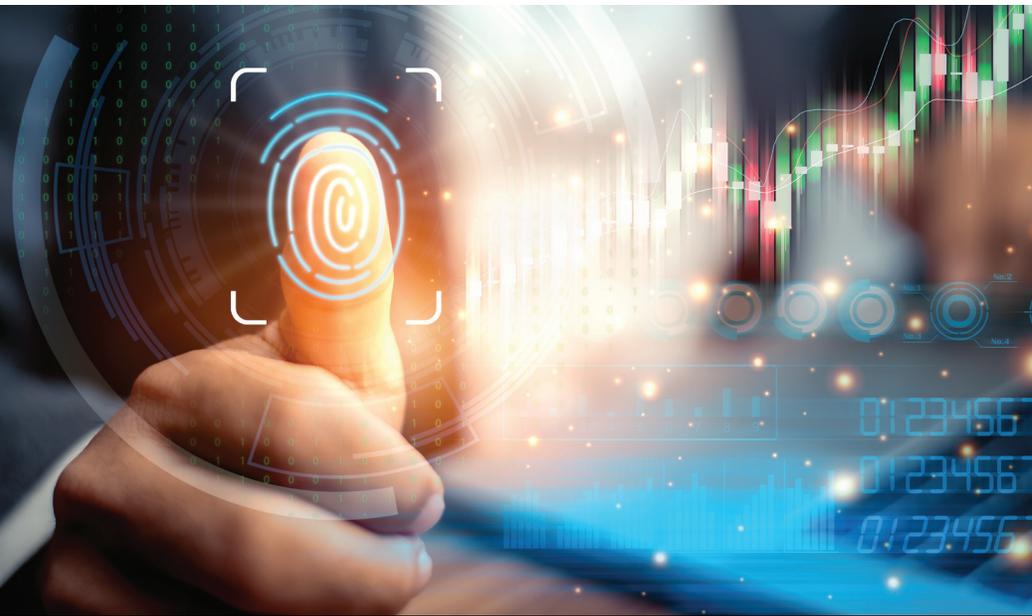
when adopting biometric technology without commensurate compliance measures.

Biometrics are distinct, measurable, human physiological characteristics—such as fingerprints, palms, faces, retinas, voices, and gaits. Increasingly, providers of transportation and logistics services are using biometrics in their daily operations. For example, biometric technology has been used to authenticate truck drivers who are picking up high-value or other critical cargo, to control access to (and within) secure warehouse facilities, to record employee work hours, to lock and unlock containers carrying cargo, and the like. Some particularly common biometric systems include (i) time clocks using fingerprints, (ii) driver monitoring through video recordings, (iii) security access via

various scans, and (iv) temperature screenings that use facial recognition. Biometrics can naturally enhance operational security, safety, accuracy, and efficiency, but the use of biometrics can also create meaningful risks if not carefully deployed.

For instance, the Illinois Biometric Information Privacy Act (BIPA), a statute enacted in 2008, creates significant liability exposure for companies in Illinois that collect and use biometric data without complying with specific requirements imposed by BIPA. Considering that many deem Chicago to be the informal logistics capital of North America, BIPA creates an outsized exposure for the transportation and logistics industry. BIPA is also critical because it covers not just biometrics, like fingerprints

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## Biometric Bombshells: Twin Shots Across the BIPA Bow

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or retina scans, but also information based on biometrics used to identify someone, covering technology and information that may not at first glance appear to be covered.

### Massive Verdict in Rail-Motor Carrier Dispute

In October 2022, an Illinois jury entered a \$228 million class action verdict against the BNSF Railway under BIPA. In the case, the class representative, a truck driver for a motor carrier, claimed that the railroad required drivers to provide fingerprints and “related biometric information” in order to gain access to the railroad’s intermodal facilities. However, the railroad allegedly did not obtain written consents from the drivers before collecting and storing this biometric data, all of which was in violation of BIPA requirements. The jury agreed with the drivers and, as the class involved around 45,000 drivers, each of whom could potentially recover \$5,000, the size of the verdict was eye-popping.

Accordingly, even a biometric statute like BIPA that has been in effect for over 15 years continues to create liability exposure for those in the transportation and logistics industry.

### New Guidance from Illinois Supreme Court

Just last month, on February 17, 2023, the Illinois Supreme Court issued a decision in *Cothron v. White Castle System, Inc.*, a case which unfavorably resolved the issue of when claims accrue under BIPA. In this putative class action, a manager of a White Castle restaurant argued that employees were required to scan their fingerprints in order to access their paystubs and computers, and that White Castle shared that information with a third party in violation of BIPA.

The Illinois Supreme Court issued a highly fractured, 4-3 decision. However, the majority determined that a new claim under key provisions of BIPA accrues with *each scan* of biometric information. This means that, as a practical matter, plaintiffs pursuing BIPA claims will now argue that a distinct statutory damages claim of up to \$1,000 (or \$5,000 for an intentional violation) accrues upon *each and every* use of a biometric system. Therefore, one can easily see how damages can add up remarkably fast in the case of an hourly employee clocking in and out for breaks, lunch, and the beginning and end of shifts.

The only silver lining in the *Cothron* decision is the Court’s recognition that damages under BIPA are discretionary. That said, a majority of the Court did not appear to bat an eye that White Castle could be facing damages in the amount of \$17 billion or more.

### Conclusion

The impact of these recent decisions will not be fully known for years, as parties in BIPA cases litigate the facts of their particular cases, including how and when biometric equipment actually collects or captures information, and what actually constitutes a biometric identifier and biometric information under BIPA. Likewise, a variety of other states have also enacted or introduced legislation aimed at regulating the collection and use of biometrics, some of which create private causes of action (such as in California).

In short, the transportation and logistics industry should expect to see an influx of BIPA cases against Illinois transportation businesses and businesses operating in Illinois as well as comparable actions in other states that have similar legislation. As a result, companies that are implementing any biometric system should first implement a compliance program. Among other things, those in the industry are reminded that compliance with any notice and consent requirements under biometric legislation is critical.

For more information on these topics, contact a member of the firm’s Transportation & Logistics or Class Action practice groups.

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## Glossary of the Top 75 Transportation & Logistics Contracts



Jonathan R. Todd



Christopher C. Razek

Our team's passion for the transportation and logistics industry is driven in part by the undeniably practical, tangible, real-world nature of the work. Having a deep bench of attorneys who focus **exclusively** on transactional and

regulatory matters means that our practice group touches all functional elements of the global supply chain every single day.

We took an inspired moment from client work to compile a simple glossary of what in our estimation are the top 75 transportation and logistics contracts. This glossary is by no means comprehensive, although we trust that it will be a valuable resource. It is presented in alphabetical order and styled as: *Title, Description, Mode*.

**We are pleased to present the full-length glossary online here: <http://bit.ly/3ZfPV3A>.**

The entire team at Benesch stands ready to swiftly assist with your transactional, regulatory, and litigation matters wherever they may arise in the end-to-end supply chain. **JONATHAN R. TODD** is a partner in Benesch's Transportation & Logistics Group. His experience includes having served as in-house counsel for large domestic motor carriers. He may be reached at (216) 363-4658 and [jtodd@beneschlaw.com](mailto:jtodd@beneschlaw.com). **CHRIS RAZEK** is an associate in the Transportation & Logistics Group who may be reached at (216) 363-4413 and [crazek@beneschlaw.com](mailto:crazek@beneschlaw.com).

## Recent Events

### **Women in Trucking Association (WIT) Accelerate! Conference & Expo**

Megan K. MacCallum and Vanessa I. Gomez attended.

November 13–16, 2022 | Dallas, TX

### **2022 International Warehouse Logistics Association (IWLA) Webinar**

Marc S. Blubaugh presented *Supreme Rejection: Broker Liability After Miller*.

November 15, 2022 | Virtual

### **McGriff Symposium**

Marc S. Blubaugh presented *Legal & Regulatory Issues in Transportation & Logistics*.

November 15, 2022 | Miami, FL

### **Transportation Law Institute (TLA/TLI)**

Kristopher J. Chandler participated in the panel “Gone, Baby, Gone: How to Avoid and Mitigate Losses from a Cybersecurity Breach.”

Marc S. Blubaugh, Christopher C. Razek, Eric L. Zalud, Megan K. MacCallum, Vanessa I. Gomez, Kristopher J. Chandler, Martha J. Payne, and Jonathan R. Todd attended.

November 18, 2022 | Boston, MA

### **Transportation Lawyers Association's (TLA) Executive Committee Meeting**

Marc S. Blubaugh attended as a Voting Past President.

November 19, 2022 | Boston, MA

### **Conference of Freight Counsel**

Claire Brennan and Eric L. Zalud attended.

January 8–9, 2023 | St. Petersburg, FL

### **Columbus Logistics Breakfast Club**

Marc S. Blubaugh moderated the “17th Annual Transportation Panel.”

January 13, 2023 | Columbus, OH

### **January ASCM/APICS Akron Ohio Chapter Meeting**

Jonathan R. Todd presented *Managing Risk in Domestic and International Contracts*.

January 17, 2023 | Virtual

### **BG Strategic Advisors Supply Chain Conference**

Marc S. Blubaugh, Peter K. Shelton, and Eric L. Zalud attended.

January 18–20, 2023 | Palm Beach, FL

### **Transportation Lawyers Association (TLA) Chicago Regional Seminar**

Martha J. Payne presented. Jonathan R. Todd, Christopher C. Razek, Robert Pleines, Jr., Megan K. MacCallum, Vanessa I. Gomez, and J. Philip Nester attended.

January 19–20, 2023 | Chicago, IL

### **Stifel's 14th Annual Transportation & Logistics Conference**

Marc S. Blubaugh, Peter K. Shelton, and Eric L. Zalud attended.

February 7–8, 2023 | Virtual

### **National Tank Truck Carriers (NTTC) Executive Forum**

Eric L. Zalud and Richard A. Plewacki attended.

February 8–10, 2023 | Palm Springs, CA

### **Air Cargo Conference**

Martha J. Payne and Eric L. Zalud attended.

February 12–14, 2023 | Nashville, TN

### **National Home Delivery Association**

Marc S. Blubaugh presented *Supreme Rejection: F4A and the Increase in Broker Liability Exposure*.

February 21, 2023 | Virtual

### **Gardiner Roberts Transportation & Logistics Practice Group Seminar**

Marc S. Blubaugh presented *Contracts and the Carriage of Goods: Identifying & Managing Risk*.

February 22, 2023 | Toronto, ON

### **ABA Admiralty Disruption Conference 2023**

J. Philip Nester attended.

March 3–4, 2023 | New Orleans, LA

### **Truckload Carriers Association (TCA) 2023 Annual Convention**

Jonathan R. Todd attended.

March 4–7, 2023 | Kissimmee, FL

### **The 2023 International Warehouse Logistics Association (IWLA) Convention & Expo**

Marc S. Blubaugh and Eric L. Zalud attended.

March 19–21, 2023 | Indian Wells, CA

# On the Horizon

## Trucking Industry Defense Association's Cargo Claims Seminar

**Marc S. Blubaugh** is presenting *Dealing with Cross-Border Food Product Claims*.  
March 21, 2023 | Tempe, AZ

## Rose Rocket Podcast

**Eric L. Zalud** is discussing *The Top 5 Trends in U.S. Casualty Litigation for Brokers and Motor Carriers*.  
April 13, 2023 | Toronto, Canada

## Transportation Intermediaries Association (TIA) Capital Ideas Conference & Exhibition

**Marc S. Blubaugh** is presenting *The Shot Heard 'Round the Logistics World: Miller, the Future of Preemption, and a Path Forward*. **Eric L. Zalud** is presenting *Consolidating in the Logistics Space And Top 10 Hints for Buying or Selling a Logistics Enterprise*. **Martha J. Payne** is attending.  
April 19–22, 2023 | Orlando, FL

## Transportation Lawyers Association (TLA) Annual Conference

**Eric L. Zalud** is presenting *Where Worlds Collide: Legal Issues at the Interstices Between Brokers and Motor Carriers*. **Marc S. Blubaugh** is attending as a Voting Past President. **Martha J. Payne**, **Robert Pleines, Jr.**, and **Richard A. Plewacki** are attending.  
April 26–29, 2023 | San Diego, CA

## Commercial Litigation Committee of the Transportation Lawyers Association

**Eric L. Zalud** is presenting *A Smorgasbord of Current Pertinent Cases in Commercial Litigation*.  
April 27, 2023 | San Diego, CA

## Transportation and Logistics Council 49th Annual Conference

**Eric L. Zalud** is presenting *Legal Issues Relating to Freight Loss and Damage*. **Martha J. Payne** is attending.  
May 1–3, 2023 | San Diego, CA

## Jeffries Transportation Conference

**Marc S. Blubaugh**, **Peter K. Shelton**, and **Eric L. Zalud** are attending.  
May 3–4, 2023 | Coral Gables, FL

## 2023 TerraLex Global Meeting

**Eric L. Zalud** is attending.  
May 3–6, 2023 | Mexico City, Mexico

## Intermodal Association of North America (IANA) Operations, Safety & Maintenance Business Meeting

**Marc S. Blubaugh** is attending.  
May 10, 2023 | Oak Brook, IL

## Columbus Logistics Conference 2023

**Marc S. Blubaugh** is presenting.  
May 18, 2023 | Columbus, OH

## Conference of Freight Counsel

**Martha J. Payne** and **Eric L. Zalud** are attending.  
June 9–12, 2023 | Pittsburgh, PA

## Freight Waves Live - The Future of Supply Chain

**Marc S. Blubaugh**, **Peter K. Shelton**, **Eric L. Zalud**, **Megan K. MacCallum**, **Christopher C. Rzek**, **J. Philip Nester**, and **Jonathan R. Todd** are attending.  
June 21–22, 2023 | Cleveland, OH

## American Trucking Associations (ATA) Trucking Legal Forum 2023

**Martha J. Payne**, **Marc S. Blubaugh**, **Jonathan R. Todd**, and **Eric L. Zalud** are attending.  
July 16–19, 2023 | La Jolla, CA

## Annual Oregon Trucking Association (OTA) Convention & Exhibition

**Martha J. Payne** is attending.  
August 14–16, 2023 | Bend, OR

For further information and registration, please contact **MEGAN THOMAS**, Client Services Manager, at [mthomas@beneschlaw.com](mailto:mthomas@beneschlaw.com) or (216) 363-4639.

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