

Benesch Partner Marc Blubaugh Quoted in FreightWaves on Penske Liability Decision

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Benesch Partner Marc S. Blubaugh, co-lead of the firm's [Transportation & Logistics Practice Group](#), was recently quoted in a *FreightWaves* article examining a Fifth Circuit Court of Appeals decision that reinstated Penske Transportation Management and Penske Logistics as defendants in ongoing litigation stemming from a fatal 2018 truck accident.

The article explored how the court's ruling was influenced by the U.S. Supreme Court's recent decision in *Montgomery*, which clarified that the Federal Aviation Administration Authorization Act's (F4A) safety exception may allow claims against freight brokers in state court. The decision is expected to have significant implications for broker liability and transportation litigation moving forward.

Blubaugh commented on the portion of the ruling involving Penske Logistics' potential liability, noting that the court's reasoning was consistent with prior legal precedent:

"The proposition that a motor carrier (Penske Logistics) could be deemed the statutory employer of another motor carrier whose driver caused a collision isn't groundbreaking. Various courts have addressed the issue in a variety of ways over the years, as the opinion itself recognizes."

More: [Penske firms reversed twice on appeals, Montgomery a factor - FreightWaves](#)