

Transportation

Vigorous defense of tort claims for personal injury and property damage against national and local common carriers.

Our extensive experience in the representation of common carriers in actions relating to alleged negligence or reckless endangerment of life and property has led to notable cases which include:

- In one of the largest chlorine spills in the history of North America—and the largest at the time since the Exxon Valdez—caused by a derailment, we represented a national rail carrier in a property damage action. With billions of dollars at stake, we demonstrated significant expertise in analysis of claimed but fictional costs of repair and refurbishment, business interruption damages, and damages from the loss of an ongoing business enterprise. The case also had a strong overlay of insurance company interaction, complicating settlement and litigation efforts. After a month-long jury trial, our client received a favorable settlement.
- In another significant case, our team represented a local carrier in a wrongful death and survivorship action in which claimed damages included tens of millions of dollars in alleged lost earnings. Through our expertise in financial matters—including economics, business trends, employment compensation—we used *Daubert* motions to successfully attack the plaintiff's damages experts, leading to a favorable settlement.

AN APPROACH THAT YIELDS RESULTS

Our approach in common carrier liability cases is to effectively demonstrate that plaintiffs have invented unrealistic and unreliable damages theories in the belief that deep-pocket defendants will inevitably cave to outrageous settlement demands. Our experience in locating and preparing highly credible academic experts in economics and business, coupled with our aggressive use of *Daubert* motions and decades-long experience in *Daubert* evidentiary hearings, saves our clients' bank accounts and ability to operate.

INSIDER'S KNOWLEDGE OF THE INDUSTRY

As a member of the National Association of Railroad Trial Counsel (NARTC)—an organization comprised of the top rail road attorneys from across the United States and Canada—we participate as faculty in numerous NARTC special litigation conferences, lecturing on such topics as taking expert depositions, ethics, and coal dust. We also participate as faculty and students in NARTC's intensive six-day trial colleges.