

## Transportation and Logistics Team

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### Practices & Sectors

Commercial Litigation

Corporate

Franchise &  
Distribution  
Counseling and  
Litigation

Employee Benefits &  
Executive  
Compensation

International Practice

Labor & Employment

Real Estate

Businesses in the transportation and logistics industries face a particularly intricate array of legal issues, and Seyfarth is well-equipped to help them meet these issues head on.

We have a sterling reputation as a champion for these clients in the courtroom, at the negotiation table and on the frontlines of regulatory advocacy. We are fortunate to serve clients across the spectrum of the transportation sector in the following industries:

- Trucking
- Aviation, including cargo and passenger airlines
- Rail Transportation
- Logistics, including warehousing and storage
- Distribution
- Express Delivery
- Passenger Transportation, including bus services

We best serve these clients by offering them not only our familiarity with the distinct challenges facing their industries, but also access to the benefits of a full-service law firm. No transportation or logistic issue arises within a vacuum, and we bring to bear the resources derived across our Labor & Employment, Employee Benefits, Litigation, Real Estate, Corporate, and International departments and their various specialty practice groups to source creative and workable legal solutions. We also leverage our international presence and familiarity in markets across the globe to advise our clients domestically, internationally, and in those crucial spaces in between.

Clients have engaged us for services of all sizes and complexities, from discrete single plaintiff employment cases and routine real estate transactions to complex class actions and sophisticated multi-year projects. We have developed especially significant experience helping clients in the logistics and transportation industries, as well as those not in the industries but that have important segments of their businesses that rely on logistics and transportation workers, to defend lawsuits and government investigations involving claims of unlawful job classification, timekeeping rules, and minimum wage or overtime pay practices. We have leveraged our substantial experience to help many of those clients avoid lawsuits and investigations in the first instance.

The following are some examples:

### ILLUSTRATIVE ENGAGEMENTS

- defended logistics business with nationwide operations in multiple class actions brought by drivers claiming unpaid overtime pay
- advised private equity firm regarding potential acquisition of logistics company with dozens of domestic and international locations
- defended national retailer against multiple class actions involving claims by drivers and related logistics employees of unlawful pay practices
- represented a national trucking company in a multi-million dollar appeal of fees assessed under the International Registration Plan
- advised a major shipping provider on data privacy and security needs and litigation arising from those issues
- served as counsel to a major international airline regarding business combination opportunities
- represented a national trucking company in an EEOC lawsuit brought under the Americans with Disabilities Act
- served as primary outside labor relations counsel for a major express delivery company and aided with conducting multiple rounds of national and local collective bargaining negotiations

- assisted a logistics company in the labor and employment due diligence process leading up to the acquisition of a new line of business
- negotiated a partial shutdown agreement for a national bus company over its engine repair facilities
- represented an international logistics company in acquisition of freight brokerage companies
- advised a client in its successful bid for the Massachusetts Bay Transportation Authority subway project
- represented an auto company in its multi-billion dollar operations in China and on its joint venture
- assisted a national trucking company in rebuffing withdrawal liability claim
- represented a leading supply chain management logistics provider in negotiating a 15-year, 207,000 square foot build to suit “high technology” office building lease
- advised a major national distributor and retailer on all facets of their real estate portfolio including property leasing and purchasing
- counseled multiple major commercial airlines on various benefits plans and represented them in ERISA claims arising from those plans
- assisted a national disposal and recycling company in effectuating a total withdrawal from a union multi-employer plan
- represented a cargo airline at the bargaining table to negotiate a favorable four-year agreement with the Teamsters
- represented a freight hauling railroad in defending against whistleblower claims

#### REPRESENTATIVE CASES

- *Minion v. Exel, Inc. et al No. 12-12128* (E.D. Mich. 2014) - Obtained summary judgment on all counts including allegations of race, gender discrimination, sexual harassment, and hostile work environment under Title VII and state law.
- *Ellis and Price, et al. v. DHL Express, Inc. (USA) and Deutsche Post World Net*, No. 08 CV 06541 (N.D. Ill.) and Appeal No. 09-3596 (7th Cir. 2011) - Obtained summary judgment in a Worker Adjustment and Retraining Notification (WARN) purported class action filed by drivers. Won lower and appellate court victories on behalf of DHL as it completed its withdrawal from the U.S. market and significantly reduced its workforce.
- *Budd, et al. v. Freedom Communications, Inc.* No. 96-D-238 (D. Col.) - Secured class certification denial on the basis that the determination of the employment/independent contractor status of the plaintiffs was central to the complaint, and plaintiffs did not establish that their proposed class met the commonality, typicality, and adequacy standards of representation required under Rule 23(a). Plaintiffs, on behalf of themselves and 700 other non-employee workers brought seven claims against defendant in Colorado, including antitrust law violations under the Sherman Antitrust Act, tortious interference with contract claims, breach of contracts, violation of state minimum wage and wage collection act laws, Labor Peace Act, fraudulent and negligent misrepresentations of workers’ alleged non-employee status to deprive them of various employee benefits, and breach of fiduciary duty.
- *EEOC v. Schneider National, Inc.*, 481 F.3d 507 (7th Cir. 2007) - Successfully defended company against EEOC ADA claim.
- *Williamson et al. v. United Airlines, Inc. et al.* (S.D. Ind. 2003-08) - Drastically reduced scope of putative class action by prevailing in arbitration following the carrier’s motion, and through other motion practice and limiting discovery. Then, successfully settled case for a fraction of \$22 million damages sought.
- *Siskie v. Old Dominion Freight Line, Inc.*, No. 5:14-cv-1598-BYP (N.D. Ohio) - Represented freight company in case alleging disability discrimination, workers’ compensation retaliation and intentional infliction of emotional distress under Ohio law.
- *Goldberg v. Uber Technologies, Inc. & Hirease, LLC*, 2015 WL 1530875 (D. Mass.) - Obtained dismissal of complaint against background check vendor under Fair Credit Reporting Act and state law brought on behalf of applicant for independent contractor

position allegedly rejected based on criminal history information.

- *White v. Old Dominion Freight Line, Inc.*, No. 15-C-476 (Cir. Ct. of Kanawha County, W.V.) - Represented freight company in case alleging workers compensation retaliation and wage payment act violations under West Virginia law.
- *Erraihani, et al. v. Executive Transportation Service, Inc.*, No. 2013-01003 (Mass. Superior Court for Norfolk County), - Secured walkaway settlement of class action minimum wage and overtime claims under Massachusetts law brought by chauffeurs.
- *Gibbs, et. al v. Daily Southtown Inc. and Pulitzer Community Newspapers, Inc.* No. 96 CH 1884 (Circuit Court of Cook County, Chancery Division, 1st Dist. 1997) - Successfully settled case on the eve of a pending motion in opposition to class certification that involved an alleged class of distributors who asserted that they were treated as employees not independent contractors, and that as a result, the company unlawfully deducted monies from their wages in violation of the Illinois Wage Payment and Collection Act, violated their individual employment agreements, improperly issued them IRS Form 1099s, and were deprived of other employee benefits.
- *Monk, et al., v. Elite Limousine Service, Inc.* No. 13-01880-SRU (D. Conn.) - Provided defense of overtime pay claims brought on behalf of chauffeurs under FLSA and Connecticut law.
- *Lassen, et al. v. Hoyt Livery, Inc., et al.* No. 13-01529-VAB (D. Conn.) - Provided defense of overtime pay claims brought on behalf of Chauffeurs under the FLSA and Connecticut law.
- Represented Australia's largest integrated transport provider in collective bargaining, ongoing restructuring projects, and the development of optimal workplace arrangements to bid for new supply contracts.
- Represented a national retailer in its restructure of supply chain operations involving both outsourcing to third party logistics providers and the creation of new employment arrangements for new sites.
- Represented a global stevedore in the creation of its employment arrangements for a new fully-automated operation.