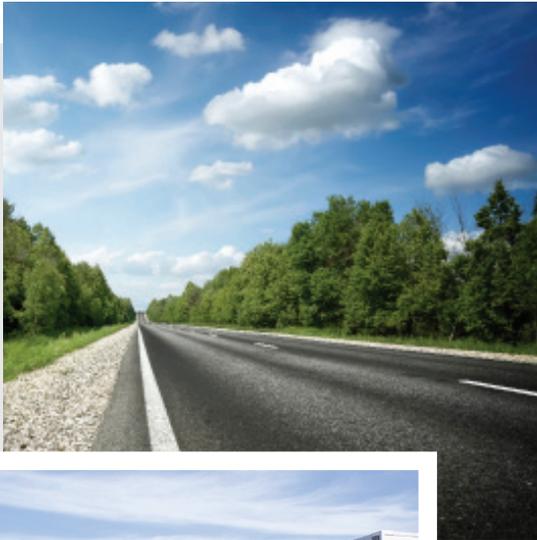


▶ **TRANSPORTATION**

The attorneys in the Transportation Practice Team offer our clients substantial knowledge and experience in all areas of transportation law. Our attorneys are well-versed in virtually every legal issue facing the transportation industry and are committed to providing clients with efficient and cost-effective legal services. Nearly all of our team members have driven a semi-truck and others have utilized a truck-driving simulator, or been on a ride along with a professional commercial driver. Additionally, our Transportation

Emergency Response Team is available 24/7 to rapidly respond to the scene of a catastrophic incident.



Our clients are varied and include solid, biomedical and hazardous waste carriers, motor freight carriers, buses, couriers, armored car carriers, commercial ferries, moving companies, water taxis, para-transit companies, private fleet operators, shippers, brokers, and logistics companies, among others. We represent clients before various administrative agencies, including the Washington Utilities and Transportation Commission, the U.S. Department of Transportation, the State Department of Licensing, the State Department of Labor and Industries and the State Department of Revenue. We also advise companies involved in National Transportation Safety Board (NTSB) investigations and assist with coordinating responses both as outside counsel and as a party representative. Our lawyers represent transportation companies as outside general counsel and general business counsel and assist in local, state and federal tax issues surrounding their operation.



The Transportation Practice Team provides legal services in the following areas:

- Broker/Shipper/Carrier Liability
- Cargo Claims
- Catastrophic Highway Accident Litigation
- Collections
- Compliance with Regulatory Authorities
- Emergency Response

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- Employment
 - Compliance with Disability and Non-discrimination Statutes
 - Contracts
 - Contract Negotiations
 - Drug and Alcohol Testing
 - Employee Handbooks
 - Personnel Issues
 - Union Issues
 - Wage and Hour Issues
- Licensing/Permits
- Mergers and Acquisitions
- Owner-Operator Agreements
- Preparation and Review of Operator Agreements
- Preparation of Equipment Lease Agreements
- Regulatory Licensing and Administrative Hearings
- Rate/Tariff/Pricing
- Real Estate Sales and Leases
- Safety Fitness Reviews
- State and Federal Compliance Reviews
- Taxation
 - Equipment Sales and Purchases
 - Fuel Licensing
 - Local, State and Federal
 - Sales and Use
- Workers' Compensation

Transportation Industry Clients and Insurers:

- Arrow Launch Service
- Cadman
- Canal Insurance
- C.H. Robinson
- Coca-Cola North America Group
- ConAgra Foods
- Evergreen Town Car
- First Student
- First Transit

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- Gordon Trucking, Inc.
- Harley Davidson
- Harris Transportation
- Heartland Express
- Heyl Transport
- Kellogg Sales Co.
- Landstar
- Maust Transportation
- McKenzie Tank Lines
- Pacific Cruises Northwest
- Quality Distribution, Inc.
- Quanta Industries
- Republic Services/Allied Waste Industries
- Schnitzer Industries
- Specialty Moving
- Sunshine Disposal
- Swift Transportation
- United Road Services
- Veolia Transportation
- Waste Connections
- Winnebago Industries

Relationship With Transportation Vendors And Experts

Through our work for clients in the transportation industry, we have developed a network of experts and professionals to address all areas of concern. Due to the fact that our work frequently involves assisting clients and their drivers with catastrophic accidents, that network includes:

- Accident investigators
- Independent adjusters
- Accident reconstruction experts
- Fire cause and origin experts
- Human fatigue and inattention experts
- Perception experts
- FMCSA regulations/safety experts
- Fuel spill/environmental experts
- Civil engineers (roadway/barrier replacement claims)
- Highway design experts

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- ECM download experts
- Injury biomechanics experts
- Media relations specialists
- Criminal defense attorneys
- Grief counselors
- DOT physicals/drug testing facilities

Local Counsel Relationships and Network

Through our membership with the USLAW Network, as well as our work as outside general counsel for several national transportation companies, we have a vetted network of local counsel that we have established for all of North America to respond to catastrophic accidents as well as local counsel assignments and expert witnesses for the transportation industry. That network includes transportation attorneys and experts that can respond to the scene of an accident within 2 hours of almost any location/roadway in the United States. Additionally, members of our litigation team currently hold leadership positions with American College of Trial Lawyers, American Board of Trial Advocates, American Bar Association Litigation & Tort and Insurance Practice Sections, International Association of Defense Counsel, the Federation of Insurance and Corporate Counsel, USLAW NETWORK, the Association of Defense Trial Attorneys and other similar organizations, where we have long-standing relationships with attorneys and industry experts across the country.

Recent Transportation Cases Our Firm has Defended:

Lee v. Infrasource, et al., Superior Court of Washington, King County – Plaintiff, a cyclist riding in a marked bike lane in the City of Seattle, was struck by a truck owned and operated by the defendant while the truck was making a turn. The cyclist sustained serious permanent injuries, including permanent scarring, and missed significant time from work. The Williams Kastner trial team, lead by Rod Umberger, was successful in convincing the jury that the truck driver was not negligent, and after a week-long jury trial, the jury returned a unanimous defense verdict.

King v. Gainey Transportation, et al., Superior Court of Washington, King County – The case arose out of a truck/auto accident where a Gainey truck and 53-foot trailer struck a vehicle being operated by a 39-year-old successful CFO. Plaintiff sustained a rotator cuff tear that required two surgeries, a meniscus tear that required surgery, and he received physical therapy and chiropractic treatment for over a year for neck and back injuries as a result of the accident. Plaintiff also was diagnosed with PTSD, major depression, and a Traumatic Brain Injury resulting from the accident. Plaintiff's health care providers testified that he was permanently and totally disabled as a result of the PTSD and TBI, and he never returned to work after the accident. His average earnings were over \$300,000 annually for the five years leading up to the accident.

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The medical bills exceeded \$100,000 and wage loss was in excess of \$6.5 million. Plaintiff's wife also had a loss of consortium claim. In closing argument, Plaintiffs' counsel asked the jury to award \$8-10 million. The jury deliberated for only 25 minutes before returning a unanimous defense verdict.

Wright v. Harris Transportation, Superior Court of Washington, Pierce County – Catastrophic highway accident case where the plaintiff family was struck head-on by a petroleum tanker truck that had crossed the center line. All family members were seriously and permanently injured. Plaintiffs settled following cross-examination of plaintiff's accident reconstruction expert during the second week of trial. The amount of the settlement was less than an offer that was made a month before trial.

Van Delft v. Riseberg and Greyhound Lines, Inc., Superior Court of Washington, King County – In this traumatic brain injury case resulting from an overturned bus accident in Montana, Williams Kastner was contacted by Greyhound to substitute in as defense counsel. Greyhound asked for the substitution after a well-known and very aggressive plaintiff's counsel obtained several favorable rulings on discovery motions and was even awarded discovery sanctions that somewhat crippled the defense. The defense firm and attorney that was originally retained were asked by Greyhound to withdraw and Williams Kastner took over the defense with very little time left for discovery and less than two months before trial. Williams Kastner immediately requested reconsideration of the sanctions orders and was able to get the sanctions reduced. Next, Williams Kastner requested the depositions of plaintiff's experts, and after taking those depositions, moved for partial summary judgment on the corporate negligence claims in the case. While those motions were pending, the parties were able to mediate the case and the matter was settled at mediation for significantly less than the authority that had been extended by Greyhound to resolve the case.

Estate of David Stade, et al. v. URS Midwest, et al., Multnomah County Circuit Court (OR) – The accident involved the client's car hauler and eight passenger vehicles and occurred during the evening rush hour on Interstate 405 in downtown Portland. As a result of the impact, several cars were engulfed in a large fire. The accident and fire resulted in two fatalities and multiple other injuries. The Williams Kastner team provided on site emergency response and investigation, retention of accident reconstruction experts, a claim adjuster, a grief counselor, a criminal defense attorney, oversaw media relations due to the high profile and severity of the accident, and successfully defended the three lawsuits that were spawned by the accident.

Salazar, et al. v. United Road Services, et al., Hood River County Circuit Court (OR) – The client's driver rear-ended a family of four on Christmas Eve on Interstate 84 near Hood River, Oregon. All four members of the family were ejected from their vehicle and suffered various orthopedic injuries. The driver was charged with three counts of aggravated assault. The Williams Kastner team assisted in the accident investigation, worked closely with a criminal defense attorney and assisted at the criminal trial (the driver was later

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acquitted during his criminal trial), and defended both the driver and the company in the ensuing civil lawsuit (resolved on favorable terms).

Miller v. TJS Trucking, et al., United States District Court (OR) – The accident occurred when a large sewer pipe telescoped and fell off the back of the client’s flatbed trailer while in transit on Interstate 84 near La Grande, Oregon. The pipe was struck by an elderly couple in a motorhome, who each later underwent multiple back surgeries. Williams Kastner defended the carrier and driver at trial in Pendleton, Oregon and obtained a defense verdict at trial by establishing that the driver had complied with all FMSCA load securement and load check requirements, and that the pipe unexpectedly came loose due to inadequate dunnage supplied by the shipper.

Roggow v. Quality Carriers, Inc., et al., United States District Court (OR) – The case arose out of an accident on Highway 26 near Government Camp when the client’s empty tanker trailer allegedly slid over the yellow center line while negotiating a bend in the road. The plaintiff claimed various injuries, including a traumatic brain injury with permanency. The case was resolved on confidential terms with an early mediation, which kept litigation defense costs extremely low.

