

Transportation



As experienced transportation attorneys, we understand that your business operates on a schedule of minutes and hours - not days. Whether your business centers around the road or the rail, Damon & Morey appreciates both the demands and complexity of this dynamic industry.

Our group's proud reputation is built on our attorneys' extensive knowledge of federal/state regulations as well as the ever-evolving body of case law. Ultimately, the firm's success is a direct result of our attorneys' commitment to availability, innovation and interdepartmental cooperation.

We regularly call on attorneys in varied departments and practice groups - including such areas as Business & Corporate Law, Business Litigation, General Litigation, Insurance Defense, Labor & Employment, Immigration and Environmental Law. This special interaction enables clients with complex, multidisciplinary problems to benefit from the combined experience of attorneys with different perspectives and practices. This team approach also helps us to deliver the most creative and cost-effective solutions possible.

Our firm represents interstate and intrastate trucking companies, shippers, municipalities, rail carriers, trailer lessors, manufacturers and insurance carriers.

Our close proximity to Canada has given rise to a diverse and broad based cross-border practice involving Canadian and American shipping and transportation companies. Admitted in all federal and state courts in New York, our attorneys also represent numerous clients on a statewide basis.

Services Provided:

- General Transportation Law
- Litigation (Defense – Civil and Commercial)
- Industry Safety and Regulatory Compliance
- Corporate and Administrative Advisement
- Labor and Employment Matters
- Immigration
- Environmental



Partners

Joseph W. Dunbar
Group Co-Chair

Brian A. Birenbach

Beth Ann Bivona

Daniel F. Brown

Patrick B. Curran

Melinda G. Disare

Thomas J. Drury

Gary R. Maas

Peter S. Marlette

Sheri L. Mooney

Sharyn G. Rogers

Vincent G. Saccomando

Steven M. Zweig

Special Counsel

Michael E. Marszalkowski
Group Co-Chair

Associates

Michael L. Amodeo

Jesse B. Baldwin

Jennifer L. Rodgers

INDUSTRY GROUP MEMBERS

Litigation

Our experienced litigation team is available to respond when and where the need arises. Our attorneys also maintain an updated database of national and local industry experts, investigators and other key individuals as an added resource for clients.

Damon & Morey is proud to be the designated ALFA International representative in Western New York. Our attorneys are active participants in this organization's International Transportation Industry Group.

Trucking and Railroad Litigation

Our team of attorneys and experts are on-call 24 hours a day to respond when and where accidents occur. By designing and implementing first response plans, and through our on-going education efforts, we are better able to manage risk while also securing vital evidence before it is lost or misplaced.

- Freeway and grade-crossing collisions
- Road construction and guard rail litigation
- Personal injury and wrongful death claims
- Catastrophic accidents
- Loading and unloading accidents involving product and trucking distribution centers and terminals
- Railroad claims and litigation
- Property damage and cargo loss claims
- Product liability claims
- Carmack Amendment issues (damaged goods, bills of lading)
- Trucker fraud
- Prosecution and defense of Declaratory Judgment Actions
- UM/UIM cases brought by drivers under company policies
- Workers' compensation defense

Accident Investigation

- Pre-litigation investigation for catastrophic injuries and property damage
- Initial scene response
- Representation of drivers regarding law enforcement investigations
- Post-Accident Procedure and Protocols
- Experience with sophisticated computerized equipment when pursuing discovery where preservation and/or spoliation of evidence is alleged

Commercial Litigation

- Arbitration and administrative hearings
- Breach of contract claims
- Warranty disputes
- Service contracts
- Delay claims
- Alternative dispute resolution

Environmental Litigation and Toxic Torts

- Environmental matters including the transportation of, release of, and exposure to hazardous materials and/or wastes
- Mass toxic tort and environmental clean-up litigation

Insurance Coverage

- Insurance coverage, reinsurance, indemnity
- Extensive experience working with self-insured entities, entities that maintain large self-insured retentions, Third-Party Administrators and In-House Claims Departments
- Policy interpretation
- Analysis of coverage from competing policies
- Alternative Risk Transfer

Corporate and Administrative Advisement

Labor and Employment

- Labor and employment matters
- Immigration issues including obtaining visas, work permits and other immigration benefits
- Risk management audits and training seminars

Business and Corporate

- Government regulation and compliance
- Analysis of federal and state laws governing transportation industry
- Loss control and risk management services
- Develop and review "accident kits" and corporate policies

Contractual

- Contract/lease analysis and interpretation
- Drafting contracts between shippers, brokers, carriers, and owner-operators
- Drafting targeted contracts for sensitive cargo loss
- Drafting Indemnity Agreements