McElroy Deutsch

Transportation



Dedicated to serving ground transportation and related businesses.

McElroy Deutsch's experienced transportation lawyers are dedicated to serving ground transportation and related businesses. Our attorneys counsel companies of all sizes on a broad range of transportation matters, including regulatory compliance, strategic planning, administrative law, and public policy.

Our law firm actively works with transportation entities that seek our assistance in improving their transportation services, re-engineering their technological systems and refining their corporate structure.

Our transportation attorneys combine a multidisciplinary approach that combines our regulatory knowledge and solid grasp of the transportation industry's unique operations and issues all with the goal of solving complex legal problems and helping clients achieve their business goals. Our overarching objective is to ensure that our clients operate not only effectively and efficiently, but legally and safely.

In addition to transportation companies, we represent trade organizations, staffing entities who provide the labor that enables transportation entities to operate as well as credit card processing entities and financial institutions that specialize in medallion and ground transportation business lending.

Our transportation law services include:

- Representation before all administrative agencies
- Helping clients comply with the complex legal and regulatory framework
- Corporate transactions, contracts, leases and related litigation
- Assisting clients in obtaining required government approvals for products and services
- Representing clients in disputes with regulators and private entities
- Helping clients obtain and maintain operating licenses
- Drafting driver affiliation and base affiliation agreements
- Negotiating and drafting transportation business purchase and sales agreements
- Personal injury/catastrophic loss defense
- Counseling clients on corporate organization and formation
- Advising clients on worker classification (such as classifying drivers as independent contractors) and related issues, including the structuring of agreements, policies, and codes of conduct
- Advising clients on avoiding tort liability, minimizing sales tax and related liabilities, and insurance coverage review
- Providing strategic business, legal, financing, and market advice to transportation businesses

Representative Cases

Results may vary depending on your particular facts and legal circumstances.

- Represented a large insurance company in a declaratory judgment action instituted by its insured. The coverage action arose out of an underlying incident that resulted in damage to underground electric transmission facilities and the release of 25,000 gallons of dielectric oil.
- Represented a large insurer in a declaratory judgment action involving environmental contamination to property that was subject to a New Jersey Department of Environmental Protection enforcement action.
- Retained by AIG to represent National Union Fire Insurance Company of Pittsburgh, Pa., AIU Insurance Company and Lexington Insurance Company in second-filed declaratory judgment action instituted by National Standard. The AIG Insurers first-filed a declaratory judgment action in Illinois, after which National Standard instituted the second-filed New Jersey action. Both coverage actions involved National Standard's entitlement to coverage for nationwide environmental liabilities, the most notable of which related to the Lower Passaic River. The Firm briefed, filed and argued a Motion to Dismiss in the New Jersey action seeking a dismissal based on the first-filed rule and principles of comity.
- Retained by AIG to represent National Union Fire Insurance Company of Pittsburgh, Pa. and Lexington Insurance Company in this second-filed declaratory judgment action instituted by PolyOne Corp. The AIG Insurers had first-filed a declaratory judgment action in New York, which action was dismissed by the New York court in favor of the New Jersey action. Both

coverage actions involve PolyOne's entitlement to coverage for environmental liabilities, including $33 million in past remediation costs, at several contaminated sites. Five of the seven contaminated sites are located in New Jersey, the most notable of which is located in Wharton, New Jersey. The Firm briefed and filed a Motion to Dismiss in the New Jersey action seeking a dismissal based on the first-filed rule and principles of comity, as well as forum non-conveniens. The substantive coverage issues involved in the coverage dispute include: choice of law; the existence of Side Indemnity Agreements/Stop Loss Aggregates during the National Union policy periods; application of the sudden and accidental pollution exclusion; application of the known loss doctrine; trigger of coverage and allocation; after-acquired liabilities; and exhaustion issues.

View a list of McElroy Deutsch's transportation lawyers