No. 24-1238

IN THE

Supreme Court of the United States

SHAWN MONTGOMERY,
Petitioner,

v.

CARIBE TRANSPORT II, LLC, YOSNIEL VARELA-MOJENA, C.H. ROBINSON WORLDWIDE, INC., C.H. ROBINSON COMPANY, C.H. ROBINSON COMPANY, INC., C.H. ROBINSON INTERNATIONAL, INC., and CARIBE TRANSPORT, LLC,
Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

BRIEF OF THE NATIONAL ASSOCIATION OF MANUFACTURERS, AS *AMICUS CURIAE* IN SUPPORT OF RESPONDENTS

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INTEREST OF THE *AMICUS CURIAE*[1]

The National Association of Manufactures ("NAM") represents companies engaged in every stage of the supply chain, from sourcing raw materials to manufacturing finished goods that are then shipped to retailers and consumers. NAM is the largest manufacturing association in the United States, representing 14,000 member companies, including small and large manufacturers in every industrial sector and in all 50 states.

Manufacturing employs nearly 13 million men and women, contributes $2.94 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for more than half of all private-sector research and development in the nation. NAM, *Facts About Manufacturing*, https://nam.org/mfgdata/facts-about-manufacturing-expanded/ (last visited July 5, 2025). NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

NAM's members depend on commercial trucking to move goods nationwide and frequently rely on freight brokers to arrange that transportation. Accordingly, NAM submits this brief to urge the Court to grant the Petition to consider the appropriate scope of preemption of negligent hiring suits under 49 U.S.C. § 14501(c). NAM is concerned that the inconsistent

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[1] No party's counsel authored any part of this brief. No one apart from *amici*, their members, and their counsel contributed money intended to fund the brief's preparation or submission. All parties were notified of *amici*'s intent to submit this brief at least 10 days before it was due.

application of tort liability to freight brokers and shippers will raise costs for businesses and consumers alike, without providing any meaningful improvement to highway safety.

INTRODUCTION AND SUMMARY OF ARGUMENT

This case presents a matter of importance for the Court to resolve: should freight brokers and shippers be subject to negligent hiring claims as the Ninth Circuit has allowed, or should such claims be preempted by the clear provisions of the 49 U.S.C. § 14501 as the Seventh and Eleventh Circuits have held? The current patchwork is untenable for the nation's manufacturers (and the brokers they retain to help move both their goods and their means of production). Since the question was first presented to the Court in 2022, a clear circuit split has evolved, and the amount of goods transported has increased. The need for the Court to clarify the preemption provision and the scope of a state's safety regulatory authority is essential. The Court now has before it two clearly conflicting interpretations of that preemption provision, and it should grant the Petition to resolve that uncertainty.

The first case on negligent hiring to reach the circuit courts came out of the Ninth Circuit. There, the court found no preemption and allowed the claim to stand. *Miller v. C.H. Robinson Worldwide, Inc.*, 976 F.3d 1016 (9th Cir. 2020), *cert. denied*, *C.H. Robinson Worldwide, Inc. v. Miller*, 142 S. Ct. 2866 (2022). With the passage of time, the Seventh and Eleventh Circuits have considered the issue and reached the opposite conclusion: that these claims are clearly preempted. *Ye v. GlobalTranz Enterprises, Inc.*, 74

F.4th 453 (7th Cir. 2023), *cert. denied*, 144 S. Ct. 564 (2024); *Aspen American Insurance Co. v. Landstar Rangers, Inc.*, 65 F.4th 1261 (11th Cir. 2023).

Moreover, not every negligence suit is decided in federal court. As an example, an Illinois appellate court recently followed the Ninth Circuit's erroneous interpretation and imposed liability on a broker. *Kaipust v. Echo Global Logistics, Inc.*, No. 1-24-0530, 2025 WL 1721661 (Ill. App. Ct. June 20, 2025). Thus, a broker in Atlanta, Georgia, arranging transport for a load from Reno, Nevada, to Indianapolis, Indiana, could be hauled into Illinois state court as a result of an accident on Interstate 72 near Springfield, Illinois. That broker could remove the case to federal court and win on a motion to dismiss based on preemption. But if that broker is incorporated in Illinois, there would be no diversity and the state court could find liability without preemption.

The circuit split and conflicting state court decisions cry out for this Court to resolve the question of the scope of preemption in Section 14501. The irony of a patchwork of interpretations on the scope of preemption in a law designed to create national uniformity requires the Court's intervention.

Respondent has already set out the legal basis for affirming the Seventh Circuit's decision below.[2] This brief focuses on the broader policy implications of the circuit split and the practical consequences of leaving the question unresolved, and thus why the Court should decide this issue now.

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[2] Respondents C.H. Robinson Worldwide, Inc., C.H. Robinson Company, Inc., C.H. Robinson International, Inc., and C.H. Robinson Company are collectively referred to as Respondent.

First, this issue requires the Court's intervention because it is important to the nation's economy. This case and the issue of freight broker liability gets to the heart of how goods flow across the country. And this issue reaches far beyond just the interests of freight brokers. The efficient transportation of goods by truck is critical to nearly every segment of the American economy. Manufacturers rely on timely truck deliveries for raw materials and components. Retailers depend on trucks to stock shelves, warehouses, and distribution centers. Increasingly, consumers expect rapid delivery of goods directly to their homes, often through drop-shipping methods that leave little margin for delays or inefficiencies. Any disruption or increased cost in freight brokerage services inevitably cascades through the economy, affecting all these stakeholders and ultimately raising prices for consumers.

Second, there is a carefully constructed, comprehensive regulatory framework governing motor carriers. That system, which involves a careful blend of federal and state authorities, all using a comprehensive and uniform set of standards, establishes safe roadways Negligent hiring claims under a patchwork of state laws will not increase the safety of the roads; they will expose potential deep pockets to recovery.

Even with this comprehensive regulatory framework for safety, there is not an effective way for brokers (or shippers) to determine the safety of the carriers they hire. Exposing brokers and potentially shippers to common-law negligence liability would upend these essential functions. Brokers don't control the equipment or drivers of motor carriers, nor are they equipped or authorized to assess safety risks

comprehensively. That role belongs to the Department of Transportation and the Federal Motor Carrier Safety Administration, which have the expertise and resources to regulate carriers.

Thus, imposing tort liability would not enhance safety. Instead, it may lead brokers to avoid smaller or newer carriers in favor of large incumbents with longer track records, regardless of actual risk. That shift would reduce competition, raise freight costs, and slow deliveries at a time when modern commerce depends on rapid logistics. Consumers would face delays and higher prices, and just-in-time inventory systems would suffer.

Third, the consequences of allowing a patchwork of state-law negligence claims to go forward do not stop with brokers. If freight brokers are driven out of key markets or forced to scale back, liability will not disappear; it will shift to shippers, who are even less equipped to evaluate carrier safety. These are manufacturers, retailers, and distributors whose expertise lies in production and commerce, not transportation enforcement. Congress never intended to saddle them with that burden, and doing so would introduce cost and legal uncertainty across supply chains the economy depends on.

The circuit split is substantial, explicit, and ripe for this Court's intervention. Unless corrected, conflicting lower court interpretations of the FAAAA will yield economic inefficiency, litigation burdens, regulatory confusion, and distorted market incentives across a national transportation system whose effective operation demands consistent federal regulation.

This case presents a recurring question of great legal, practical, and economic importance that has not been, but should be, resolved by the Court. Accordingly, this Court should grant certiorari, affirm the Seventh Circuit's sound interpretation, and restore the consistency Congress intended for freight brokerage nationwide.

ARGUMENT

I. Freight Transportation Is Essential to the Economy, and a Lack of Uniform Interpretation of FAAAA Preemption Impedes the Flow of Goods.

The U.S. freight transportation system moved 20.1 billion tons of goods, valued at about $18.7 trillion in 2023, up from the 19.9 billion tons of goods moved in the pre-COVID-19 year of 2019. *Transportation Statistics Annual Report 2024, U.S. Dep't of Transp., Bureau of Transp. Statistics (Dec. 1, 2024)*. According to the Bureau of Transportation Statistics, trucking continues to dominate as the principal mode of freight transportation, moving 13.0 billion tons of cargo valued at more than $13.6 trillion in 2023. *Id.* This accounted for 64.5 percent of the total freight weight and 72.5 percent of the total value. *Id.*

A diverse array of motor carriers, numbering more than half a million nationwide, drives this massive logistical operation. *See Economics & Industry Data*, Am. Trucking Ass'n, https://www.trucking.org/economics-and-industry-data (last visited July 5, 2025).

Carriers range widely in size and specialty, from large national fleets to small local businesses and

single-owner operators. Trucks are indispensable to every stage of the supply chain: transporting raw materials, delivering manufactured products to warehouses, and ensuring goods reach consumers efficiently. Even shipments traveling by rail, air, or sea frequently begin or end their journey by truck.

Retail practices such as "drop-shipping" rely heavily on trucking networks. Under this increasingly popular business model, retailers hold little or no inventory, relying instead on rapid and reliable truck transportation to deliver products directly from manufacturers or wholesalers to end customers. Without reliable and efficient trucking services, the drop-shipping model, and the lower costs and enhanced choices it provides consumers, would be severely compromised.

Given the sheer number of carriers and complexity of freight logistics, shippers frequently engage freight brokers to navigate this intricate system. Brokers act as expert intermediaries, connecting shippers with suitable motor carriers based on routes, schedules, pricing, and other logistical considerations. While some large motor carriers operate their own brokerage arms and may route freight internally when efficient, brokers of all types play a critical role. Regardless of structure, brokers bring expertise that allows manufacturers and retailers to avoid costly, burdensome internal logistics management, thereby significantly reducing overhead costs. These savings ultimately translate into lower prices for consumers.

Once brokers connect shippers with motor carriers, they remain engaged in logistical coordination. Yet brokers have neither the legal authority nor practical ability to monitor closely the detailed operations of

carriers, including driver selection and specific employment practices. Their essential role is limited to matching shippers and carriers efficiently, not to assume safety oversight that federal law expressly assigns elsewhere.

And the need for freight brokers continues to climb, with tens of thousands of active brokerage firms in the market. Joe McDevitt, *News and Analysis for Transportation Industry Shippers*, Translogistics (July 30, 2024). Freight brokers now facilitate over 20% of that truck freight, up from just 6% in 2000, a threefold increase that reflects the industry's growing dependence on brokers to navigate carrier networks and secure capacity efficiently. Ryder, *State of the Industry Report* (Oct. 24, 2023).

Indeed, U.S. freight brokerage market size was evaluated at $12.67 billion in 2024, and one market analysis estimates it to be worth $23.32 billion by 2034, growing at a Compound Annual Growth Rate ("CAGR") of 6.29% from 2025 to 2034. Precedence Research, *Freight Brokerage Market Size, Share and Trends 2025 to 2034*, Report Code 5939 (Apr. 16, 2025).

Far from being made obsolete by technology, freight brokers have grown and adapted through the use of new technologies in recent years. Today's freight brokers are heavily using digital tools, from load-matching platforms to AI-based analytics, to enhance their services. For instance, brokers now commonly use algorithms and online load boards to match loads with carrier capacity in real time, provide instant freight quotes, and track shipments digitally. Bulk Connection, *FreightWaves Examines the Growth of US Freight Brokers* (Oct. 27, 2023). These

innovations have made brokers more responsive, more precise, and more deeply embedded in modern supply chains.

As policymakers continue to encourage domestic manufacturing, the need for efficient freight transportation will continue to grow. *See, e.g.,* U.S. Small Bus. Admin., *Make Onshoring Great Again Portal* (May 20, 2025). As more production shifts to U.S. soil, the movement of component parts and finished goods across the country will necessarily increase. That freight will not move itself. Freight brokers, who excel at stitching together capacity from thousands of U.S. trucking carriers, will be indispensable to this manufacturing resurgence. The more we build in America, the more we must ship within America. This case, which concerns the legal rules governing freight brokers, thus carries heightened national importance as the economy grows more dependent on domestic transport.

That economic reliance makes the legal uncertainty surrounding freight brokers even more urgent. The circuit split over the scope of the safety exception has left freight brokers exposed to inconsistent and expanding theories of tort liability. Unless this Court intervenes to resolve the split, brokers will continue to face mounting litigation risks, prompting many to avoid smaller or newer carriers that lack extensive safety records, not because they are unsafe, but because the legal risk is too great. That chilling effect would shrink carrier options, raise shipping costs, and strain supply chains at a moment when domestic logistics are more vital than ever.

II. Existing Comprehensive Federal and State Regulation, Not Broker Tort Liability, Ensures Roadway Safety.

Freight brokers provide a critical intermediary service in the transportation industry, yet they neither own nor operate the trucks they arrange; they do not employ the drivers or directly oversee carrier operations. Instead, the responsibility for roadway safety rests primarily and appropriately with motor carriers and their drivers, entities directly subject to an extensive, integrated network of federal and state safety regulations. Tort liability against brokers is thus not only unnecessary but also ineffective, creating an untenable burden on brokers ill-equipped to assume this regulatory role.

A. Freight Transportation Is Governed by a Comprehensive Regulatory Framework of Federal and State Law.

In designing the FAAAA, Congress recognized both the vital role of trucking in the national economy and the importance of keeping unsafe carriers off the road. As evidenced by the safety exemption at issue in this case, it created a system in which federal and state governments work together to identify and address safety risks in commercial transportation.

As a result of this partnership, federal and state authorities already impose rigorous safety standards designed specifically to monitor and ensure safe motor carrier operations. The U.S. Department of Transportation and its Federal Motor Carrier Safety Administration administer a comprehensive regulatory framework, the Federal Motor Carrier Safety Regulations ("FMCSR"), codified at 49 C.F.R.

parts 300–399. These regulations meticulously govern every safety aspect of commercial trucking, from drivers' hours-of-service limitations, 49 C.F.R. § 395, to essential vehicle safety features such as brakes, *id.* § 393.52, lighting, *id.* § 393.24, and window integrity, *id.* § 393.60.

Critically, these federal safety standards are seamlessly integrated into state law. Every state adopts the FMCSRs as part of its intrastate regulatory framework, enabling local enforcement officials to apply a uniform set of safety rules regardless of state borders. For instance, Nevada explicitly incorporates numerous FMCSR provisions, such as drug and alcohol testing, commercial driver licensing, vehicle inspections, hazardous materials transport, and mandatory insurance coverage, directly into state regulations. *See* Nevada Admin. Code § 706.2472. Other states achieve the same effect through analogous statutes and regulatory schemes.

This coordinated federal–state partnership ensures consistency and thoroughness in enforcement. Both state and federal inspectors enforce these uniform safety standards, conducting regular roadside inspections and promptly removing unsafe vehicles or drivers from service. Complementing these efforts, the Commercial Vehicle Safety Alliance, a consortium of state, territorial, and federal safety officials, establishes uniform "Out-of-Service" criteria, ensuring consistent nationwide enforcement and removing any vehicle or driver that presents an imminent safety hazard. *About the Alliance*, CVSA, https://www.cvsa.org/about-cvsa/about-the-alliance/ (last visited July 5, 2025); *see also CVSA's 2021 Out-of-Service Criteria Now in Effect, CVSA* (Apr. 1, 2021).

This regulatory framework is robust and comprehensive by design. It is specifically tailored to address motor carrier safety at every level, from meticulous vehicle maintenance to stringent driver qualification standards. Allowing common-law tort claims against freight brokers for their choice of carrier adds nothing meaningful to these extensive safety protections. Instead, it improperly imposes liability on brokers who lack the authority, tools, and expertise to effectively evaluate and manage carrier safety.

B. Brokers Lack Reliable Means to Evaluate Carrier Safety, Rendering a Negligence Standard Unworkable.

The robust regulatory framework in place for carriers and operators—the people who drive the freight across the country as well as those who own the trucks—helps to ensure safe roads. That framework includes data systems designed to help law enforcement prioritize enforcement. The primary federal safety evaluation system, the Federal Motor Carrier Safety Administration's ("FMCSA") Compliance, Safety, Accountability ("CSA") program, is a law enforcement mechanism designed to prioritize carriers for agency intervention. Its use by *freight brokers* in assessing the relative safety of carriers is less clear, and there are concerns about the accuracy and usability of the data. As such, the concept of imposing tort liability on brokers presents serious concerns because there is not an effective nationwide database that presents a clear picture of which carriers are unsafe to use. Thus, imposing a negligence standard on brokers would undermine the efficiency and stability of America's transportation infrastructure.

1. The CSA System Is a Law Enforcement Tool, Not a Safety Ranking for Brokers.

The CSA program, managed by FMCSA, was created to support law enforcement and regulatory oversight, not to guide brokers or shippers in carrier selection. The program consists of three main components:

- The Safety Measurement System ("SMS"), which analyzes inspection and crash data to identify carriers needing intervention;
- A graduated intervention process, including warnings, investigations, and potential out-of-service orders; and
- Safety Fitness Determinations, categorizing carriers as "satisfactory," "conditional," or "unsatisfactory," with many carriers receiving no rating at all. 49 C.F.R. § 385.11.

Critically, these ratings result from comprehensive onsite investigations typically triggered by serious incidents or problematic SMS scores. Yet, FMCSA and state partners annually inspect only a small percentage, around 3%, of registered carriers. U.S. Gov't Accountability Off., GAO-11-858, *Motor Carrier Safety: More Assessment and Transparency Could Enhance Benefits of New Oversight Program* (2011).

Many carriers therefore operate without any assigned safety rating, and even those with "satisfactory" ratings may have outdated assessments that no longer reflect current safety performance.

Thus, a "satisfactory" rating does not reliably indicate a carrier's comparative safety. FMCSA itself advises caution against relying solely on CSA ratings to draw conclusions about carrier safety, underscoring the system's fundamental limitations for comparative analysis. This acknowledgment strongly suggests that brokers cannot reasonably or responsibly use these ratings to screen carriers effectively.

2. Significant Flaws in CSA Data Undermine Reliability for Comparative Safety Assessments.

Beyond structural limitations, the CSA's data accuracy and predictive value have faced sustained criticism. The GAO has repeatedly highlighted that the CSA's methodologies fail to establish a clear predictive relationship between recorded violations and crash risk. Specifically, GAO determined that many violations used to calculate safety scores do not occur frequently enough to reliably predict crashes, calling into question the system's effectiveness. U.S. Gov't Accountability Off., GAO-14-114, *Federal Motor Carrier Safety: Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers* (2014). *See also* U.S. Gov't Accountability Off., GAO-17-132, *Motor Carriers: Establishing System for Self-Reporting Equipment Problems Appears Feasible, But Safety Benefits Questionable and Costs Unknown* (2016).

Likewise, the DOT's Inspector General has consistently criticized FMCSA's approach, noting significant issues with the transparency and accuracy of CSA data. Office of Inspector Gen., U.S. Dep't of Transp., Report No. ST2019084, *FMCSA's Plan Addresses Recommendations on Prioritizing Safety*

Interventions But Lacks Implementation Details (2019). The National Academy of Sciences similarly concluded that the CSA methodology, although well-intentioned, relies heavily on subjective expert judgment without sufficient empirical validation. Nat'l Acad. of Scis., *Improving Motor Carrier Safety Measurement* (2017). These shortcomings severely limit the practical usefulness of CSA scores as a tool for brokers and shippers.

Congress itself recognized the CSA program's limitations in the 2015 Fixing America's Surface Transportation ("FAST") Act, mandating FMCSA to provide explicit warnings to users of the CSA system. The required notice underscores that conclusions about a carrier's overall safety should not be drawn merely from CSA data unless FMCSA has explicitly labeled a carrier as "unsatisfactory" and ordered it off the road. The FAST Act, Pub. L. 114-94, 129 Stat. 1312 (2015).

Indeed, FMCSA withdrew its own proposed rulemaking to incorporate SMS data directly into safety fitness determinations due to overwhelming stakeholder concerns about data reliability. The agency's action underscores the inadequacy of CSA data for accurately assessing carrier safety. Withdrawal of Notice of Proposed Rulemaking Regarding Carrier Safety Fitness Determination, 82 Fed. Reg. 14,848 (Mar. 23, 2017).

Ultimately, the extensive regulatory regime already places responsibility for road safety precisely where it belongs—on motor carriers and their drivers. Imposing a negligence standard on brokers, who have no reliable means of independently verifying carrier safety, would be both ineffective and unjust,

undermining the efficiency and stability of America's transportation infrastructure.

III. Conflicting Circuit Decisions on Broker Liability Will Disrupt Commerce, Increase Costs, and Harm Manufacturers, Retailers, and Consumers.

Given the central importance of trucking to the national economy, the circuit split created by the Ninth Circuit and other courts poses a significant risk to the efficient movement of goods across state lines. While the Seventh Circuit correctly recognized that imposing tort liability on brokers for carrier selection undermines uniform federal regulation, conflicting decisions from other jurisdictions threaten to create precisely the inconsistent legal patchwork Congress sought to avoid. This uncertainty burdens not just brokers, but also motor carriers, shippers, manufacturers, retailers, and ultimately, consumers, leading to increased costs and decreased efficiency.

Motor Carriers: The trucking industry is vast and varied, comprising nearly one million motor carriers, ranging from large fleets operated by Fortune 100 companies to small businesses and individual owner-operators. *Economics & Industry Data*, Am. Trucking Ass'n, https://www.trucking.org/economics-and-industry-data (last visited July 5, 2025). Over 95 percent of these carriers operate fleets of ten trucks or fewer. *Id.* Imposing a negligence standard on brokers, who would then be forced to favor larger carriers with more established safety records, could push smaller carriers out of business, reducing market competition and driving prices upward. Moreover, larger carriers' safety data averages could mask individual driver and

fleet risks, providing a misleading sense of security and further disadvantaging smaller carriers. *See* Todd Dills, *Risk & Reward: How CSA's data shows discrimination toward small carriers*, CCG Digital (Aug. 6, 2013), https://www.ccjdigital.com/business/article/14927194/risk-reward-how-csas-data-shows-discrimination-toward-small-carriers (last visited July 3, 2025).

Shippers, Manufacturers and Retailers: Shippers, including manufacturers and retailers, rely on freight brokers to arrange cost-effective and efficient transportation. Manufacturers depend on brokers to source carriers for raw materials and components. Retailers rely on them to manage complex delivery logistics, often under just-in-time systems or drop-shipping models that depend on rapid, reliable transport.

If the Court declines to resolve the deepening circuit split, the resulting legal uncertainty will not simply burden brokers. It will shift liability upstream. If brokers face open-ended tort exposure for carrier selection, some may withdraw from certain markets or sharply limit their operations. The liability will not disappear. Shippers, who lack regulatory tools and safety data, will be forced to assume responsibility for evaluating carrier safety, a task Congress never intended them to bear. Even those who continue using brokers will face indirect costs, as brokers pass along higher risk premiums in the form of increased fees or more restrictive carrier networks.

The result will be higher shipping costs, reduced access to competitive carriers, and new legal risks for parties that have long relied on brokers to navigate those complexities. These burdens will cut into profit

margins, raise prices, and ultimately harm consumers.

Consumers: Ultimately, consumers will bear the brunt of higher shipping and brokerage costs, which ripple through the economy, increasing prices for everyday goods. Higher costs and fewer transportation options will lead to delayed deliveries, negatively impacting consumer satisfaction and placing strain on an already taxed supply chain.

The Seventh Circuit's decision underscores the need for uniformity in interpreting the FAAAA. But the conflicting rule adopted by the Ninth Circuit threatens that uniformity and imposes serious burdens on freight logistics nationwide. Because the Ninth Circuit covers all major West Coast ports, its expansive reading of the safety exception would drive up costs and delay shipments through some of the country's most critical trade corridors.

But the effects are not confined to the West Coast. An Illinois appellate court recently adopted the same flawed approach as *Miller*, extending broker liability under state negligence law in direct conflict with the Seventh Circuit's reasoning. *See Kaipust v. Echo Global Logistics, Inc.* As more jurisdictions follow suit, brokers are forced to navigate incompatible standards, making it impractical to operate regionally and effectively requiring nationwide adoption of costly and restrictive carrier selection practices.

In sum, the Seventh Circuit's approach correctly preserves the uniform national regulation that Congress intended. Allowing conflicting circuit court decisions to persist would significantly impair freight brokers' ability to function effectively, harming

carriers, manufacturers, retailers, and consumers nationwide. The practical solution is to uphold the Seventh Circuit's sound interpretation, maintaining the intended balance of federal oversight, efficiency, and road safety.

* * * * *

Truck freight is a cornerstone of the U.S. economy. Freight brokers, though largely invisible to the public, perform a vital function by connecting shippers with motor carriers and keeping goods moving efficiently. The Seventh Circuit's decision preserves that role and maintains the clear federal–state framework Congress designed. In contrast, the Ninth Circuit's approach upends long-settled expectations, exposing brokers, and potentially shippers as well, to open-ended negligence claims. These risks come at a time when supply chains are being restructured and onshoring is accelerating, making domestic freight logistics more essential than ever. Imposing liability on brokers who lack the tools or authority to evaluate carrier safety would not improve roadway conditions. It would only inject uncertainty, raise costs, and reduce access to safe and timely freight services. The burden of that disruption would fall on manufacturers, retailers, and consumers alike, despite the existence of robust federal and state safety enforcement systems already in place.

CONCLUSION

For the reasons stated above, the Court should grant the petition and affirm the decision below.

Respectfully submitted,

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