

IN THE  
**Supreme Court of the United States**

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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.*

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

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**SUPPLEMENTAL BRIEF FOR RESPONDENTS  
C.H. ROBINSON WORLDWIDE, INC.,  
C.H. ROBINSON COMPANY,  
C.H. ROBINSON COMPANY, INC., and  
C.H. ROBINSON INTERNATIONAL, INC.**

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## **SUPPLEMENTAL BRIEF**

Pursuant to Rule 15(8), Respondents file this supplemental brief to apprise the Court of a recent development relevant to Petitioner's pending petition for a writ of certiorari.

As Petitioner noted in its reply, on July 8, 2025, the U.S. Court of Appeals for the Sixth Circuit issued its decision in *Cox v. Total Quality Logistics, Inc., et al.*, No. 24-3599, -- F.4th --, 2025 WL 1878770 (6th Cir. July 8, 2025). Adopting a position in conflict with both *Ye v. GlobalTranz Enterprises, Inc.*, 74 F.4th 453 (7th Cir. 2023), *cert. denied*, 144 S. Ct. 564 (2024), and *Aspen American Insurance Co. v. Landstar Rangers, Inc.*, 65 F.4th 1261, 1271 (11th Cir. 2023), the Sixth Circuit concluded that negligent hiring claims against brokers that "substantively concern[ ] motor vehicles and motor vehicle safety" fall within the ambit of the safety exception of 49 U.S.C. § 14501(c)(2)(A). *Cox*, 2025 WL 1878770, at \*9. The decision further solidifies the discord between the circuits as to the interpretation of 49 U.S.C. § 14501(c)(2)(A) and underscores the necessity of this Court's review of the Seventh Circuit's decision *in this case*. Absent guidance from the Court, there is no doubt that the circuits will remain divided on the issue, leaving the industry mired in uncertainty with interstate commerce to suffer the consequences.

Counsel for Respondents has been advised by counsel for Total Quality Logistics, Inc. (TQL), a defendant in *Cox*, that TQL intends to file a petition for a writ of certiorari in the very near term seeking this Court's review of the Sixth Circuit's decision.

**CONCLUSION**

This case constitutes the proper vehicle for the Court's resolution of the question on which the circuits disagree—whether 49 U.S.C. § 14501(c)(2)(A) preserves a state common-law claim against a freight broker for the alleged negligent selection of a motor carrier to provide motor vehicle transportation of property. The Court should grant the petition for writ of certiorari and affirm the decision of the Seventh Circuit on this issue.

Respectfully submitted,

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August 4, 2025