



Supreme Court Finds That COGSA, Not Carmack, Applies to Intermodal Shipments

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The United States Supreme Court held last week in a 6 to 3 decision that the Carriage of Goods at Sea Act (COGSA) applies, to the exclusion of the Carmack Amendment, to the domestic rail portion of a transoceanic shipment under a single bill of lading, where the parties have contractually extended COGSA. The Court considered a similar issue in *Norfolk Southern Railway v. James N. Kirby Pty. Ltd.*, 543 U.S. 14 (2004). In that case, the Court had held that the parties could extend COGSA inland to protect ground carriers, even when such an extension would conflict with state contract and tort law. This time, in the consolidated cases of *Kawasaki Kisen Kaisha Ltd. v. Regal-Beloit Corp. and Union Pacific Railroad v. Regal-Beloit Corp.*, Nos. 08-1553 and 08-1554 (U.S. June 21, 2010), the Court decided that the parties' contractual extension of COGSA under a through bill of lading will control, despite prohibitions or limitations contained in another federal statute, the Carmack Amendment.

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