

Supreme Court of the United States Agrees to Address Whether the FAAAA Preempts Negligence Claims Against Freight Brokers

Article

Amundsen Davis Transportation Alert

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The Supreme Court of the United States will finally settle the circuit court split around the country and address whether state common law claims for negligent hiring/selection are indeed preempted by the Federal Aviation Administration Authorization Act of 1994 (FAAAA). The Court's ultimate decision will determine whether plaintiffs are permitted to assert claims for negligent hiring/selection against freight brokers or whether such claims are barred.

On October 3, 2025, the Supreme Court granted the petition for a writ of certiorari filed by petitioner, Shawn Montgomery, in the *Montgomery v. Caribe Transport II, LLC* case. In *Montgomery*, the Seventh Circuit Court of Appeals agreed with the district court by finding that the plaintiff's negligent hiring/selection claim against freight broker, C.H. Robinson, was preempted by the FAAAA and not saved by the "safety exception."

It is unclear whether the Supreme Court will also address whether other claims, such as agency/vicarious liability or joint venture claims, are preempted by the FAAAA.

We will continue to monitor this case as it progresses through the Court and will provide timely updates.

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