

Seigfreid Bingham gains victory for TransAm Trucking

Olathe, Mo., – On Tuesday, October 18, 2016, the Tenth Circuit Court of Appeals threw out a \$45 million class-action claim against TransAm Trucking, Inc., a motor carrier in Olathe, Kansas. The claim by owner-operators concerned a \$15 satellite communication system fee that appeared in employee contracts with TransAm. Operators use the system to do everything from communicating with dispatch to automated calculation of road taxes. TransAm never made a profit on the fee and in fact, lost money providing the satellite communication system. The court of appeals found, while the fee was technically in violation of a federal regulation, 49 C.F.R. 376.12(i), the operators failed to show they were harmed in any way, and therefore could not survive summary judgment. The appellate court sent the case back to the District Court of Kansas for judgment in favor of TransAm, who had already suspended the fee. Earlier, the district court found the plaintiffs did not need to show they were harmed until the case went all the way to a trial. TransAm immediately appealed that decision using a not often utilized rule allowing interlocutory appeals, resulting in the reversal by the Tenth Circuit. Seigfreid Bingham's Christopher McHugh and Shannon Johnson represented TransAm Trucking in this case, which was filed in November 2012. **TransAm is a refrigerated carrier with over 1,000 trucks operating under it, and specializes in refrigerated and frozen freight. **Seigfreid Bingham is a full-service law firm in Kansas City, Mo.