

STATE OF WISCONSIN  
SUPREME COURT

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TOWN OF DELAFIELD,

Plaintiffs-Appellant

v.

Appeal No.  
2017AP002525

CENTRAL TRANSPORT KRIEWALDT,

Defendant-Respondent-Petitioner.

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Appeal from the Decision of the Court of Appeals, District II,  
dated 6/5/19, Reversing and Remanding to the Circuit Court for  
Waukesha County, The Honorable Michael J. Aprahamian,  
Presiding  
Case No. 2017-CV-000859

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**MOTION OF *AMICI CURIAE*, THE TRUCKING INDUSTRY  
DEFENSE ASSOCIATION, THE AMERICAN COLLEGE OF  
TRANSPORTATION ATTORNEYS, THE WISCONSIN  
MOTOR CARRIERS ASSOCIATION, C.R. ENGLAND, INC.,  
HUB GROUP, J.B. HUNT TRANSPORT, INC., P.A.M.  
TRANSPORT, SCHNEIDER NATIONAL CARRIERS, INC.  
AND UNIVERSAL LOGISTICS HOLDINGS, INC., FOR  
LEAVE TO FILE ACCOMPANYING *AMICI CURIAE* BRIEF**

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The Trucking Industry Defense Association, The American College of  
Transportation Attorneys, The Wisconsin Motor Carriers Association, C.R.  
England, Inc., Hub Group, J.B. Hunt Transport, Inc., P.A.M. Transport,

Schneider and Universal Logistics Holdings, Inc. (collectively “Amici”), seek leave from this Honorable Court for permission to file the accompanying non-party brief pursuant to Wis. Stat. § 809.19(7), and in support of same, Amici aver as follows:

1. The Trucking Industry Defense Association (“TIDA”) is a non-profit association committed to sharing knowledge and resources among its over 1,600 member motor carriers, trucking insurers, defense attorneys and claims-servicing companies, and to reducing the costs of claims and lawsuits against the trucking industry, including personal injury claims and suits. <http://www.tida.org/>. TIDA advocates on behalf of the interests of its members and regularly participates as *amicus curiae* in cases involving issues of concern to its members.

2. The American College of Transportation Attorneys (“ACTA”) is a non-profit association, which pursuant to its bylaws, is limited in membership to 25 members, plus former chairs of the organization. At least 80% of the membership must have practiced law for no less than 20 years, and all members must concentrate their practices in transportation law and represent the transportation industry. This group of experienced transportation defense lawyers serve as a confidential, reliable and supplemental legal resource to the trucking industry.

3. The Wisconsin Motor Carriers Association (“WMCA”) is a non-profit trade association representing the interests of truck and motor

coach owners within the state of Wisconsin. The WMCA has 1,200 members, ranging from independent contractors with one truck to companies with thousands of trucks. The WMCA is affiliated with the American Trucking Association (“ATA”) in Washington and works with the ATA on federal issues.

4. C.R. England, Inc. (“C.R. England”), which is headquartered in Salt Lake City, Utah, is one of the largest temperature-controlled carriers in the United States. C.R. England specializes in refrigerated long haul and regional freight, refrigerated intermodal container freight, dedicated contract carriage and freight brokerage.

5. Hub Group, which is headquartered in Oak Brook, Illinois, is a supply chain management company which provides intermodal, truck brokerage, dedicated and logistics services throughout North America.

6. J.B. Hunt Transport, Inc. (“J.B. Hunt”), which is headquartered in Lowell, Arkansas, specializes in technology-driven freight shipping for large and small businesses. J.B. Hunt is a third-party logistics provider and a transportation logistics company. It provides services throughout the continental United States, Canada and Mexico.

7. P.A.M. Transport (“P.A.M.”), which is based in Tontitown, Arkansas, is an irregular route over-the-road trucking company that provides nationwide dry van truckload, expedited truckload, intermodal, and logistics services to the manufacturing, retail, and automotive industries. P.A.M.

provides services in the lower continental 48 states as well as the southern parts of Ontario, Canada.

8. Schneider National Carriers, Inc. (“Schneider”), which is headquartered in Green Bay, Wisconsin, is a provider of transportation and logistic services. Its services include regional and long-haul truckload, expedited, dedicated, bulk, intermodal, brokerage, warehousing, supply chain management and port logistics.

9. Universal Logistics Holdings, Inc. (“Universal”), which is headquartered in Warren, Michigan, provides its customers with transportation and logistics services across their entire supply chain, including transportation, value-added, intermodal, air, ocean and customs brokerage, throughout the United States, Mexico, Colombia and Canada.

10. Amici have an interest in the current appeal because the issue of whether the STAA preempts State and municipalities from enacting non-safety specific regulations, such as the Town of Delafield’s special weight limitation, will impact the entire transportation industry.

11. This issue is of utmost importance to Amici because if this Honorable Court affirms the Appellate Court’s decision, other states and local governmental entities will likely cite to and rely upon this decision for persuasive authority to impose more non-safety based restrictions for trucks.

12. Requiring transportation carriers to identify and then contact every local entity, prior to planning a route for a truck to go through that geographical area, would impose an almost insurmountable burden.

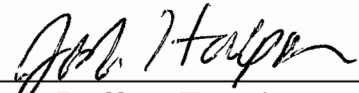
13. In today's economy, the shipment of goods is more complex than ever, especially in light of consumer and client demands for quick, and often guaranteed, arrival dates.

14. Because this Honorable Court's decision could have far reaching consequences for those in the trucking industry and negatively impact the overall economy, Amici request leave to submit the attached brief for consideration.

WHEREFORE, The Trucking Industry Defense Association, The American College of Transportation Attorneys, The Wisconsin Motor Carriers Association, C.R. England, Inc., Hub Group, J.B. Hunt Transport, Inc., P.A.M. Transport, Schneider and Universal Logistics Holdings, Inc., respectfully request that this Honorable Court grant their motion for leave to

file the accompanying *amici curiae* brief in support of the position of Central Transport Kriewaldt.

Respectfully submitted,

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**CERTIFICATION OF SERVICE**

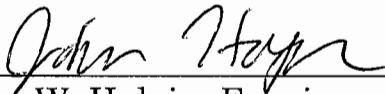
I certify that this Motion was served upon the following  
counsel of record on this 11<sup>th</sup> day of March, 2020, as follows:

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I further certify that this Motion was correctly addressed  
and postage was pre-paid.

Date: March 11, 2020

By:   
\_\_\_\_\_  
John W. Halpin, Esquire