



**SEATON & HUSK L.P., KALBAUGH, PFUND, & MESSERSMITH P.C.,  
GREAT WEST CASUALTY CO. and its AGENCY PARTNERS  
CORDIALLY INVITE YOU TO ATTEND:**

## **RECENT DEVELOPMENTS IN THE TRANSPORTATION INDUSTRY**

This seminar is for the benefit of our present and potential clients. It will present issues, points of interest, and forecasts by specialists representing, insuring, and serving the trucking industry.

**DATE:** Wednesday, June 23, 2010  
**PLACE:** Holiday Inn Monticello  
631 5<sup>TH</sup> Street Southwest  
Charlottesville, VA  
(434) 977-5100

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### **AGENDA:**

8:00 AM	–	8:30 AM	<b>Continental Breakfast</b>
8:30 AM	–	8:35 AM	<b>Introduction</b> Matthew J. Grimm, Esq., Great West Casualty Co
8:35 AM	–	10:15 AM	<b>CSA 2010</b> Don Breault, Safety Representative, Great West Casualty Co.
10:15 AM	–	10:30 AM	<b>BREAK</b>
10:30 AM	–	11:00 AM	<b>The Employee Free Choice Act</b> Henry E. Seaton, Esq., Seaton & Husk
11:00 AM	–	11:30 AM	<b>Carmack, COGSA, &amp; Contract Issues</b> John T. Husk, Esq., Seaton & Husk Matthew J. Grimm, Esq., Great West Casualty Company, Co.
11:30 AM	–	12:15 PM	<b>Trends in Catastrophic Losses</b> (boxed lunch provided) John Messersmith, Esq. Kalbaugh, Pfund, & Messersmith Brian Combs, Asst. Vice President, Claims, Great West Casualty Co.
		12:15 PM	<b>Closing</b> Ron Honken, Executive Vice President, Great West Casualty Co.

**RSVP:** Please [click Here to RSVP](#) by June 16, 2010 or email [info@transportationlaw.net](mailto:info@transportationlaw.net)



# The Law Office of Seaton & Husk, LP

PLEASE JOIN SEATON & HUSK, LP  
FOR AN AFTERNOON SESSION OF:

## PROTECTING YOUR BOTTOM LINE: A PRESENTATION OF IMPORTANT ISSUES AND SOLUTIONS FOR MOTOR CARRIERS AND BROKERS IN TODAY'S UNCERTAIN TRANSPORTATION CLIMATE

**DATE:** Wednesday, June 23, 2010  
**PLACE:** Holiday Inn Monticello  
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(434) 977-5100  
**TIME:** 12:30PM – 2:30PM

### CARRIER'S RIGHTS AS CREDITORS IN BANKRUPTCY

John T. Husk, Esq., Seaton & Husk, LP  
12:30 PM – 1:30 PM

Freight charges are viewed as unsecured debt, which means they never fare well in bankruptcy proceedings. Carriers typically lose their pre-petition receivables and often have to fight demands from shippers' estates that they return, as a "preference," all payments received within 90 days of bankruptcy filings.

As creditors, motor carriers do have some rights and remedies, and you will learn all about them in this presentation. Topics will include:

- + The importance of policing receivables and receiving timely payments
- + How to avoid and defend preference actions
- + New value, ordinary course of business, and conduit defenses available to carriers in defending reference actions
- + The use of spreading or possessory liens
- + How to secure critical vendor status in order to receive payment for pre-petition debt
- + Who ultimately is liable under logistics contracts
- + Preservation of recourse to consignors and consignees
- + The use of special "carrier creditor committees" to enforce constructive trust in intermediary bankruptcies

### AVOIDING THE DIRTY DOZEN IN FREIGHT CONTRACTS

Henry E. Seaton, Esq., Seaton & Husk, LP  
1:30 PM – 2:30 PM

Whether through written bilateral contracts or by rules circulars and bills of lading, contract law defines the duties, obligations, rights and remedies of truckers. Whether you are liable for loss or damage to cargo, for how much or whether you can even get paid is really determined by contract law before the load is picked up.

No longer are carriers willing to sign away their rights and remedies just to get on the shipper's bidding list. Best practices require the establishment and enforcement of standard operating procedures, uniform accessorial charges and limitations of liability. In addition to addressing the proper use of rules circulars and shipping documents, you will learn how to review shipper and broker drafted contracts and edit out the "Dirty Dozen" (12 frequently appearing provisions which can prove lethal to truckers).

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