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Title: **Claims Corner – COGSA v. Carmack**

Author: *Andriana Davis, Product Manager, Avalon Risk Management, Inc.*

As a premier provider of insurance that is uniquely tailored to the logistics industry, Avalon is committed to providing professional liability programs with first-rate legal defense for logistics providers. Our defense attorneys are involved in many interesting and important legal cases that affect freight forwarders and customs brokers in their daily business endeavors. Each case teaches us something new about how our clients can be insulated from liability through specialized risk management programs and document drafting. The link below is a case involving COGSA v. Carmack summarized by Roberts & Kehagiaras LLP.

**Analysis:**

[COGSA v. Carmack:](#)

[The Ninth Circuit Applies Carmach to Ocean Carriers](#)

**Case Document:**

[Regal-Beloit v. K Line 2009](#)

You will notice from the Regal Beloit v. K-Line case, courts have a difficult time ruling consistently on liability issues. Anything can happen to goods in transit and the verdicts given could apply in a variety of situations. It is important for carriers, shippers and freight forwarders to be aware of their liability. Avalon Risk Management, Inc. offers a Combined Transit Liability (CTL) Policy that protects them from this liability.

The CTL program offers multiple coverage options and combines Errors & Omissions Insurance with Cargo Legal Liability coverage, which provides coverage for loss and damage to cargo shipped under a house bill of lading, air waybill, freight receipt or even while acting as an agent. If sued by customers or their subrogating insurers, coverage includes defense costs and settlement amounts you are legally obligated to pay under your bill of lading and contract terms. The CTL program would also pay out full settlement amounts as awarded by the courts, even if a package limitation is broken and/or extended beyond customary package count as many cases demonstrate.

For more information, please contact your local Avalon office or Andriana Davis, Product Manager at (847) 700-8087 or at [adavis@avalonrisk.com](mailto:adavis@avalonrisk.com). A list of our North American offices can be found at [www.avalonrisk.com](http://www.avalonrisk.com).

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