



FOR IMMEDIATE RELEASE

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## **WLF Asks Supreme Court to Prevent Fragmentation of Federal Motor-Carrier Law**

**(Montgomery v. Caribe)**

**“Congress acted to oust state and local interference with interstate and international trade. The Court should uphold the law and prevent pernicious regulation-by-litigation by the plaintiffs’ bar.”**

— Zac Morgan, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today asked the United States Supreme Court to vindicate a federal law that prevents states and localities from regulating interstate commercial trucking.

The case arises from the Federal Aviation Administration Authorization Act (FAAAA), which precludes state-court liability against brokers and motor carriers. Brokers are the middlemen who match willing shippers of goods with willing carriers—the trucking companies who deliver those shipments. The petitioner in this case, Shawn Montgomery, a victim of a commercial trucking accident, contends that the FAAAA’s preemption provision doesn’t apply to a broker’s allegedly negligent selection of a carrier.

WLF’s amicus brief explains why that’s wrong. The plain text of the statute applies to brokers for their actions in transporting property—including the selection of a motor carrier to bring property to market. The brief also points out the consequences of a contrary interpretation of the FAAAA. Under current law, brokers select the best trucking option from a federally approved pool of registered motor carriers. But once brokers must factor in potential liability on a state-by-state basis, that will invite backdoor regulation-by-litigation of the motor carrier industry—not just domestically, but also of Canadian and Mexican firms that register to operate inside the United States.

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