



Rollin' On [®]



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Statute of Limitation, Reefers, Air Freight, Tornados, Back Issues & Double Whammies

Timing issues

Recently, I was fast at work (I know I know, the meter runs fast, not me), sorting through problems, pushing paper, talking on the phone and otherwise dealing with legal matters as they popped up. That's my job.

Then I get a phone call out of the blue from a client I did work for several years ago. She tells me that she had been involved in an auto accident almost two years ago, had sustained just minor injuries and had some medical bills. Her insurance company paid those bills during the first year, but her PIP coverage self-destructed after one year as is the norm.

So I get the question, Larry, can you please please please file a lawsuit before the two year statute runs. And I say sure, just drain your bank account and come on over (just kidding!). But there was this thing about a 10 day notice prior to filing the lawsuit, in order to claim attorney fees, and she had given a notice which we were forced to construe as the 10 day notice. Now doing the math and adding 10 days from the date of the notice, it put me filing on the last day when the statute ran. It was the first time I could recall where there was only one day when I could file. If I filed one day later, I missed the statute, and if I filed one day earlier, we missed out on attorneys fees. And no client ever wants to lose that part. It take some of the fun (everything being relative) out of the equation, as we would lose significant bargaining position.

So I got the complaint typed up and finalized, the filing fee check signed

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and ready to go as the other part was that I was going to be out of town on the preceding Thursday and Friday, with the following Monday being that one and only available date on which to file. The urge to just get it filed before leaving town could not be fulfilled. Nor was there any room for brain fade or inattention to detail for the following Monday. We got it done, but I usually prefer to work with a net.

Reeling Reefers

There must be something in the air. I have received a surge of calls this year about reefer loads. Seems like there's a lot of equipment problems on the road. Truth is, much of it has been driver or dock personnel error, as the equipment itself, in most instances, was working properly.

Post Sept. 11 Air Freight

There have been many changes since last month's atrocities. The airlines, most of which only had two or three week cash reserves prior to September 11 (these are major businesses operating in this fashion) have cut their schedules. New air cargo shipping regulations are in place, which are impacting passenger flights. Many shippers, including the USPS, are diverting their cargo to motor carriage. Private air cargo companies and motor carriers stand to gain.

Even before this tragedy, there was the question of what is air freight since much of it never gets off the ground. (See *Rollin' On, April 1996, Vol. II, Issue 4*). It remains to be seen how much of this practice gets changed over the next few months.

Rollin' On Back Issues

In a positive development for all of mankind, all back issues of *Rollin' On* are now posted on my website, with subject titles included. It took a little work to get it done, as there were format and other changes over the years. The on-line version in some instances has a different word wrap with some uneven column endings, but the text is the same. It's somewhat terrifying to go back in time and look at your old stuff. The first issue was a two pager. I don't know if that was more painful for the reader or the writer. I'm certainly not going to ask.

Who said that?

There we were, playing a game of Trivial Pursuit (a weak moment for me since I usually refrain) with some good friends and neighbors. Our 5th grader was actively involved. The question arose: What cleans like a white tornado? Our daughter quickly said "a wife". The group cracked up since Ann had just completed her 20th year at a machinery company and hasn't been a stay-at-home-wife/mom. I don't know what this says about our parenting.

Double Whammy

Before last Saturday, when was the last time that both OSU and Oregon lost on the same day? It brought back memories when that was the rule, rather than the exception. We can take some comfort in knowing that five of the top 15 BCS teams are from the Pac 10, although OSU's most recent loss was not to one of those five. There's still a lot of football to be played in the league.

Switch to email. Email me your email address and fax #.

That's all for now. Until later, keep the cargo rollin'!

Short Bio

Admitted to the state bars of Oregon, Alaska, Florida and Massachusetts. Practicing law for over 20 years and emphasizing transportation law, business law and related litigation.

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