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Thorpe Shwer Prevails in BNSF Railway Company v. Seats Incorporated

Thorpe Shwer attorneys Bill Thorpe, Brad Shwer, and Kristin Paiva represented BNSF Railway Company in an appeal brought before the Arizona Court of Appeals, Division I. The appeal involved the preemptive scope of the Locomotive Inspection Act, 49 U.S.C. § 20701, et seq. (the “LIA”). The Court of Appeals, in a 3-0 published decision, determined that the LIA did not preempt BNSF’s state law cross-claims for indemnification and contribution against a locomotive seat manufacturer, holding: “although [the] LIA establishes uniform safety regulations and preempts claims based on a state-specific standard of care, it does not preempt claims based on the federal standard.”

See BNSF Railway Company v. Seats Incorporated, 237 Ariz. 259 (App. 2015).