

Tioga Representative Legal Cases

Norfolk Southern Railways Co. v. Intermodal Properties and Sun National Bank, New Jersey Department of Transportation Docket No. NJDOT 05-12-001, OAL Docket No. TRPT-09184-2006N. Mr. Harder served Intermodal Properties as an expert witness. Bathgate, Wegener & Wolf, P.C. was the counsel for Intermodal Properties. The matter related to an attempt by Norfolk Southern to condemn Intermodal Properties land.

Melba Zambrano v. CSX, Et Al, Superior Court of New Jersey, Law Division-Hudson County, Docket Number Hudson -L- 6320-04. Mr. Harder served Pacific Rail Services (Pacrail) as an expert witness in this matter. Mr. Zambano was a truck driver who had been killed in an accident at the CSX terminal at South Kearny, New Jersey. White and Williams was the counsel for Pacrail. Pacrail was included in a lawsuit because it was an independent contractor to CSX. Mr. Harder provided information on the railroad intermodal business, including development, management, and safe operation of intermodal facilities.

NATIONAL PASSENGER TRANSPORTATION CORPORATION v. EXPRESSTRAK, L.L.C., Civil Action No. 02-1773 (RBW), September 9, 2002, United States District Court for the District of Columbia. Mr. Nieman provided a report, expert testimony and advice to counsel for defendant in this case, in which it was alleged that the plaintiff's actions caused adverse consequences for the defendant's business. Other Tioga staff supplied supporting analysis.

CSX v. Maersk, AAA Case No. 50 T 180 00425 1. Mr. Harder served Maersk SeaLand (MSL) as an expert witness in the matter of CSX v. Maersk. Morgan, Lewis, & Bockius was the counsel for Maersk. The matter related to a contract dispute between Sea Logix, a CSX motor carrier subsidiary, and MSL over marine intermodal drayage, primarily in the Port of Long Beach, CA in 2000 and 2001. Other Tioga staff supplied support and analyses.

STB Docket No. 42058, ARIZONA ELECTRIC POWER COOPERATIVE, INC. v. THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY AND UNION PACIFIC RAILROAD COMPANY. Mr. Harder and Mr. Nieman served as expert witnesses in this case coal rate reasonableness case. The AEPCO case relied on a Stand Alone Cost analysis that depended upon Tioga's knowledge of intermodal rail terminal, equipment, and operations costs.

STB Docket No. 42071, OTTER TAIL POWER COMPANY v. THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY. Mr. Harder and Mr. Nieman served as expert witnesses in this case coal rate reasonableness case. The Otter Tail case relied on a Stand Alone Cost analysis that depended upon Tioga's knowledge of intermodal rail terminal, equipment, and operations costs.

Steve Barber, Jr. et al., v. Kansas City Southern Railway, et al. in the Circuit Court of Jackson Co. Missouri at Independence, (Case No. 99-CV-209274) Division 2. Mr. Harder served In-Terminals Services (ITS) as an expert witness in the matter of Barber v. KCS Railway. Mr. Barber had been killed in an accident in a Kansas City Southern intermodal terminal. Blackwell Sander Pepper Martin, LLP was the counsel for ITS. ITS was included in a lawsuit because it was an independent contractor to KCS. Mr. Harder provided information on the railroad intermodal business, including development, management, and safe operation of intermodal facilities.

K-BIN, INC. v. FAST INDUSTRIES, INC. Case #2004-26281 in the District Court of Harris County, Texas; May 21, 2004. Mr. Nieman reviewed the filing and consulted to defendant's counsel in this case, in which a product shortage was alleged due to mishandling by various parties in the transport activity chain involving bulk, dry plastics.

Albillo and Montoya, et al. v Intermodal Container Service, Inc et. al., Los Angeles Superior Court Case No. BC 174508 and Worker's Compensation Appeals Board Case No. LAO 754 743. Mr. Harder served Intermodal Container Service (ICS) as an expert witness in the matter of Albillo & Montoya v. ICS. Littler Mendelson was the counsel for ICS. The matter related to a dispute between ICS and a number of its drivers regarding their status as independent contractors. ICS was an intermodal motor carrier serving the Los Angeles, CA Metropolitan Area.

MBP MANAGEMENT SERVICES, Debtor, and PENN SECURITY BANK & TRUST COMPANY, Plaintiff v. PACIFIC MOTOR TRANSPORT COMPANY, a/k/a PACER, adversary No. 5-03-00148A; and MARK J. CONWAY (Trustee) v. PACIFIC MOTOR TRANSPORT COMPANY, a/k/a PACER, Adversary No. 5-03-50200A. In regards to No. 5-02-03638 Chapter 7 in the United States Bankruptcy Court, Middle District of Pennsylvania. Mr. Nieman provided a report and advice to counsel for the plaintiffs and trustee in this case, in which it was alleged that the defendant engaged in certain practices that disadvantaged the plaintiffs and the trustee.

VICTOR AND SHARON GARDNER v. CARDINAL TRANSPORT, INC. et al, Civil Action No.: 2001-CP-10-3000, Court of Common Pleas, State of South Carolina, Ninth Judicial District. Mr. Nieman provided expert testimony and advice to counsel for plaintiff in this case, a wrongful injury case. His topic was the business practices in the freight brokerage and commercial motor carrier industries.

CRAB ORCHARD RAILWAY v. CSX TRANSPORTATION, Federal District Court, Tampa, FL, approximately 1997. Mr. Nieman provided expert testimony and advice to counsel in this case which was a dispute over railcar maintenance and repair practices in the railroad industry.

Before the Surface Transportation Board, formerly the Interstate Commerce Commission. Mr. Nieman appeared in 20-25 proceedings in the period 1962-1978 representing his employer(s) at the time. Also, he appeared on behalf of Amtrak in the case in which Amtrak established its ability to provide "express" rail services, approximately 1997. In this case, he provided a report and advice to counsel.