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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY WOSKOW,
Plaintiff,
v.
ALFRED LEE,
Defendant.

Case No. [17-cv-04542-RS](#)

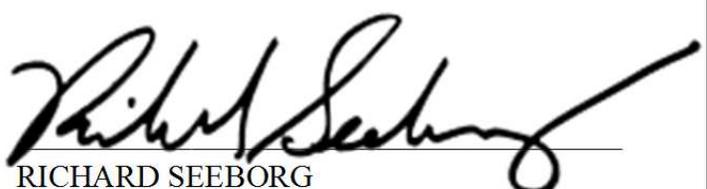
**ORDER GRANTING MOTION TO
DISMISS WITH LEAVE TO AMEND**

United States District Court
Northern District of California

Defendant Alfred Lee moves to dismiss plaintiff Timothy Woskow’s complaint, which advances California common law claims for negligence and breach of contract on the basis of Lee allegedly losing Woskow’s household items and ranch/farm equipment to theft while moving them from Arizona to California. Lee persuasively argues Woskow’s state-law claims are preempted by the Carmack Amendment, 49 U.S.C. § 14706. “It is well settled that the Carmack Amendment is the exclusive cause of action for interstate-shipping contract claims alleging loss or damage to property and thus completely preempts such claims.” *Smallwood v. Allied Van Lines, Inc.*, 660 F.3d 1115, 1120 (9th Cir. 2011) (citation and internal quotation mark omitted). Woskow has not filed timely opposition to Lee’s motion. Pursuant to Civil Local Rule 7-1(b), the motion is suitable for disposition without oral argument. The hearing set for September 28, 2017, is hereby vacated, and the motion to dismiss is granted with leave to amend. Woskow shall submit any amended complaint within 21 days of the issuance of this order.

IT IS SO ORDERED.

Dated: August 30, 2017


RICHARD SEEBORG
United States District Judge