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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RICHARD UNDERWOOD,	)	3:11-cv-00035-HDM-RAM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
ALLIED VAN LINES, INC.,	)	
	)	
Defendant.	)	
	)	

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The court has been advised that plaintiff has complied with the required claims process pursuant to 49 C.F.R. § 370.3(a), 49 C.F.R. § 1005.2(a), and the defendant's tariff. Accordingly, leave is granted to the plaintiff to file a second amended complaint. Any such complaint shall be limited to a claim under the Carmack Amendment. The inclusion of a claim for intentional infliction of emotional distress would be futile as it is preempted by the Carmack Amendment "to the extent it arises from the same conduct as the claims for delay, loss or damage to shipped property." *White v. Mayflower Transit, L.L.C.*, 543 F.3d 581, 586 (9th Cir. 2008). Despite

