

02-1028 NORFOLK SOUTHERN RWY. CO. v. KIRBY PTY

Ruling below: CA 11, 300 F.3d 1300

QUESTIONS PRESENTED

1. Whether a cargo owner that contracts with a freight forwarder for transportation of goods to a destination in the United States is bound by the contracts that the freight forwarder makes with carriers to provide that transportation.

2. Whether federal maritime law requires that terms of a bill of lading extending liability limitations under the Carriage of Goods by Sea Act ("COGSA"), 46 U.S.C. app. §§ 1300-1315, to "independent contractors" used to perform the contract of transportation must be narrowly construed to cover only those independent contractors in privity of contract with the bill's issuer .

CERT. GRANTED: 1/9/04