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1. Killer Cell Phones

A driver distracted by "Face-timing" crashed and killed a passenger whose survivors sued the phone manufacturer for failing to engineer the device to prevent use while driving. The family lost because "consequences to the community" were too great to impose a duty which could create infinite liability.

2. Contract Interpretation

Courts will enforce the intent of the parties based on the plain meaning of words in the context of the contract. A settlement agreement was sufficiently clear.

3. Drunken Fraternity

Although a college may impose restrictions on off-campus clubhouses, it was not responsible for a student injured during a drunken party since it did not directly control the premises or provide security.

4. Homeowners Associations

Where an HOA voted that a backyard vineyard was not a prohibited "business", the neighbor's suit to remove the vines was dismissed because courts will defer to an HOA's reasonable operating discretion.

5. Nutritional Supplements

When product labels describing specific benefits to memory and concentration were claimed to be false, dueling scientists were allowed to testify at trial.

6. Water Polo

After a head-injured player was allowed to return to a tournament, she was hurt again and sued the league. Although players assume a sport's inherent risks, they can sue those who

increase the risk. While the coach could not have prevented the first injury, he could have prevented the second by benching the injured player knowing she was hurt.

7. On-Call Drivers

A repairman provided with a company truck (for emergencies around-the-clock) crashed leaving a family party and injured a passenger who sued the employer. The victim was entitled to a trial to determine if the company derived a reasonable benefit from requiring the repairman to use its truck for personal travel.

8. Current Cases

The office is advising an "underwater" property owner in a "short sale", organizing new corporations, defending lawsuits against a construction company and a real estate owner, prosecuting a personal injury claim, and representing a material witness in a civil action.

This practice serves as a "lawyer of first resort" counseling and advocating for small businesses and individuals with disputes and transactions, including accident victims by referral only. We specialize in personalized client service. If we can be of any assistance with your legal issues, consider contacting us as soon as a question is identified. Your recent referrals have been greatly appreciated.

Remember: Preventative lawyering is the most effective kind.

Sincerely,

HARMON SIEFF