

HARMON SIEFF

A LAW CORPORATION

15760 VENTURA BOULEVARD #1900

ENCINO, CALIFORNIA 91436

Telephone: (818) 986-4563

Facsimile: (818) 986-4780

E-mail: SieffLaw@aol.com

Web: www.SieffLaw.com

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1. Police Dog Bites Sleeping Woman.

Answering a burglar alarm, police could not see inside an office and shouted that a dog would be released if occupants remained. After the dog entered and bit a sleeping drunk, she sued the police, but lost, because the government has an interest in using animals to protect officers.

2. Golf Ball Injury.

A strollered infant near a City golf course was struck by an errant ball, and sued the City for a "dangerous condition". The City asserted "trail immunity" from liability for injuries on hiking paths, but the immunity does not apply to dangerous property, so a jury will decide if the course was.

3. More Elephant Law.

A taxpayer sued a zoo to prevent abusive treatment of elephants as Penal Code violations, but a taxpayer action cannot enforce a criminal statute. The zoo won.

4. Suspended Company.

Suspended for failure to pay taxes, an LLC lost its right to recover unclaimed property previously escheated to the state. Merely assigning the claim to an unsuspended entity was insufficient to collect.

5. Uncovered Medical Bills.

A hospital treated an HMO patient for 31 days for substance abuse, claiming it was an emergency service. Since the hospital was not a "network" provider, it was only paid for only six days, sued for the balance, and lost because insurers can limit obligations to pay non-contracted providers.

6. Unlicensed Contractors.

Generally, a contractor cannot get paid for work performed without a license, but where the work performed included services both requiring and not requiring a license, the contractor could sue for the latter.

7. House Insurance.

An insured home was substantially (but not "completely") destroyed by fire. Insurance law allows a policyholder to recover the lesser of the cost of repair or replacement (minus depreciation), but this limitation does not apply to a "partial loss". The insurer had to pay for repairs.

8. Predatory Buyers.

Two criminals acquired and rented a hundred properties mostly from the elderly or mentally ill. On the victims' behalf, the state sued the convicts for violating unfair competition laws. Since the actions were unlawful, they lacked immunity.

This office serves as a "lawyer of first resort" 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