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1. Coastal Property

When a beach owner gated off public access and posted signs, the action was considered a "development" requiring a coastal permit.

2. Work Week

Employees are entitled to a day of rest for each period of more than six consecutive days within a "single work week," and cannot complain if a particular seven days overlap a weekend.

3. Settlement Offer

Where a public employer offers to settle a litigated "Fair Employment" claim on specific terms, a prevailing claimant must pay the employer's costs if he fails to obtain a better result than the employer had previously offered.

4. Pipefitter Malpractice

After an unmarked pipeline exploded, injured victims sued the owner which demanded that its insurer defend and cover the claims. The owner lost because its policy covered only "ordinary" negligence, not "professional" services such as the location marking performed by professionally "qualified" pipe workers.

5. Land Use

When a County issued a construction permit which violated City law, property owners held no vested right to build.

6. Employment Claims

There is a one-year statute of limitations to present claims to the Fair Employment Board commencing on the date of work termination.

7. Tree Liability

a) After paying a homeowner's claim after a street-side tree fell on their house, their insurer sued the City for "inverse condemnation," but lost, because there was no proof of who planted the tree, or why, let alone that the tree was a "public improvement".

b) A park camper crushed by a falling tree sued the County which asserted "natural condition immunity" and sought summary judgment. The County lost because a jury needs to decide if the tree was on unimproved [immune] land or "artificially" improved [not immune].

c) A park visitor sued when a tree branch cracked and dropped on her. That City's defense was "trail immunity", but summary judgment was denied because she claimed not that the "trail" was dangerous, but that the "tree" was negligently maintained separately from the trail.

8. Vacation Pay

It is legal to grant this benefit only after a one-year "waiting time".

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

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