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RECENT LEGAL DEVELOPMENTS

1. Pet Store Liability

After a little boy died from a rat bite, his parents sued the store which sold the diseased animal. The court ruled the animal was a "product" and the seller liable for "defects".

2. Strip Clubs

An east coast chain trademarked its unique name and entered a "coexistence agreement" with a Nevada operator which assigned its rights to another which opened a Vegas club with the same name. After the chain assigned its mark to a different company, one assignee sued the other, but lost because the "coexistence agreement" between the original clubs remained valid.

3. Sports

A youth soccer league has a special relationship to protect children from sexual abuse by coaches. The league serves as a "quasi-parent" during soccer practices with the duty to conduct criminal background checks.

4. Tree Trimming

A property owner cutting down neighboring trees leaving only "bare tree trunks" is liable, if malicious, for treble damages for economic loss and for annoyance and discomfort.

5. Commuters

A military contractor hired individuals from distant communities to create war games near Riverside. Participants were offered bus transportation, but one drove his car from Sacramento, caused a collision, and killed two victims who sued the contractor as the driver's employer. They lost because the

crash occurred during a voluntary commute, not in the course of employment.

6. Employee Defamation

A terminated worker cannot sue the employer for reporting alleged misconduct to an appropriate regulatory agency such as the State Nursing Board. Even if in bad faith, the communication is absolutely privileged against defamation.

7. Taxi Liability

Driver association retains sufficient control over members to create agency relationship and vicarious liability for driver negligence.

8. Harassment

Over 100 unwelcome workplace hugs is "sufficiently severe or pervasive" to constitute an "abusive working environment".

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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