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1. Out-of-State Contracts

Two companies agreed that future disputes would be adjudicated in Florida. When one sued in California, the court ruled it was the wrong forum, but the opponent was denied reimbursement of legal expenses because its "interim victory" did not render it the "prevailing party".

2. Injured Camper

A diseased park tree maintained by a power company fell onto a camper's tent and injured the occupant. Although property owners are generally immune from liability to recreational users, since the camper paid to enter the park, the immunity defense was unavailable.

3. Quitting a Job

A worker suffered serious "drug reactions" and voluntarily quit her job. After receiving mental health treatment, she asked to be rehired, but the employer had no contractual obligation to "un-accept" her resignation.

4. Auto Accident

An employer is responsible for his worker's driving "in the course of employment", but the company can be held responsible if a jury determines the driver was performing a "special business errand".

5. Ten Ways to Get Sued by Workers

(1) Treat everyone as an independent contractor whether or not true; (2) fail to be "nice" to workers or flexible with their needs; (3) classify everyone as "exempt" from overtime rules whether they are or not; (4) provide no harassment or discrimination training to managers; (5) resist flexible scheduling even when legal; (6) fire anyone who does not show up

without learning why; (7) withhold final paychecks; (8) lend money to workers and deduct the debt from payroll checks; (9) use "non-compete" provisions in employment contracts (generally unenforceable in California) to protect secret information (instead use confidentiality or non-disclosure agreements); (10) adopt and enforce "use it or lose it" vacation policies to avoid reimbursement upon termination.

6. Inconvenient Court

When a Canadian cyclist was hurt in his country and sued a California bike parts factory in California, his suit was subject to, and needed to be considered in light of, the doctrine of "forum non-conveniens" which allows a court to decline to exercise jurisdiction if the case "may be more appropriately and justly tried elsewhere" considering the private interests of the parties and the public interests of the state.

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