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1. Habitual Drunkards.

To avoid deportation, an undocumented immigrant arrested for drunk driving had to show "good moral character" which he lacked as a "habitual drunkard".

2. Workers on Call.

If workers are required to be "on call" during a nominal meal or rest break, they are not really "off duty" and can recover compensation and penalties.

3. Deficiency Judgment.

The "one form of action rule" allows a mortgage creditor to pursue either a judicial or nonjudicial foreclosure. If a nonjudicial sale produces less than owed, the creditor cannot sue for the balance, but a "sold-out" junior creditor can because the "anti-deficiency" statute does not apply to it.

4. Punitive Damages.

A trucker crashed and injured victims sued. His employer immediately admitted vicarious liability, but was not responsible for punitive damages absent proof of employer misconduct.

5. Land and Love.

With borrowed money, a man bought a house for his girlfriend on the condition she would sell when instructed. When the romance ended, she refused to sell and the lender sued her for having made a promise she never intended to keep. The lender lost because he did not prove that claim.

6. Harmless Easement.

The owner of contiguous parcels sold one and kept the remaining landlocked lot. Seller was granted an equitable

easement over the sold property because the buyer would suffer little or no harm from such use.

7. Hit and Run.

Criminals can be ordered to pay restitution to injured victims, but a driver convicted of "leaving the scene" was not because the injuries did not result from the "leaving".

8. Toner Cartridges.

An international manufacturer sued a "refurbisher" (which collected and refilled empty cartridges) for patent infringement. However, when a patent holder sells a product, it releases its patent rights as to that item and after-market distributors can legally sell refilled cartridges.

9. Vexatious Litigant.

Repeatedly filing lawsuits for improper purposes labeled a litigant as "vexatious", requiring him to complete a pre-filing process for future cases. When he sued for job suspension, he lost because he had not followed the pre-filing rules.

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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