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1. Workers

It is now more difficult for California employers to classify workers as contractors. Our business clients should reassess whether they need to treat certain workers as "employees" or risk liability unless they can prove an "independent contractor" works outside their core business, is free from their control, and primarily engages in an established trade or occupation.

2. Apartment Fire

Tenants injured by a fire sued their landlord, but since pretrial expert testimony was uncertain as to whether the fire was caused by a heater malfunction or combustible bedding too near the heater, the landlord received summary judgment.

3. Wine Collector

After paying \$18 million for "vintage" bottles, the collector learned his supplier was convicted of selling counterfeit wine and sued his insurer. He lost because the policy covered losses of the wine, not of its value.

4. Corporation or Partnership?

A group bought a restaurant as individuals but operated it as a corporation. Eventually, one individual sued the others for "partnership dissolution", but lost, because the business was not a partnership.

5. College Liability

A student stabbed by a classmate known to the university as a mental patient sued the school for failing to protect her from foreseeable conduct. The victim won because although generally there is no duty to control a third person, there is a "special relationship" between students and colleges just as with elementary and high schools.

6. Drug Rehab

A patient confined to a treatment facility smuggled and consumed heroin in his room and was comatose for several weeks. He sued the facility for not preventing his overdose, but lost, because "foreseeability is not enough to impose a duty."

7. Elder Lawsuits

Parties over 70 are entitled to accelerated trial dates without proving they are likely to die or become incapacitated before a regularly scheduled trial.

8. Current Cases

This month we resolved a real estate dispute, implemented a partnership buyout, assisted with an estate administration, agreed to represent an accident victim, and continued to advise business clients regarding daily operating issues such as personnel, real estate, contracts, and regulatory matters.

This office serves as a "lawyer of first resort" counseling and 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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