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1. Homeowner's Associations

After an HOA prohibited short-term rentals, an owner sued to prevent enforcement based, in part, on the Coastal Act which promotes maximizing public beach access. The HOA lost because it has no power to do so, although the City or Coastal Commission does.

2. Contract Interpretation

A party sued another for breach of contract and "rescission". In a pretrial motion, the court dismissed the breach of contract claim, but after trial awarded contract damages. "Having realized its mistake," the court correctly applied the law after trial.

3. Builders

Homeowners sued their developer for construction defects and damages, but lost, because they failed to provide the builder a pre-litigation opportunity to repair pursuant to the "Right to Repair Act".

4. Employment

Workers brought a class action against their employer for violating wage and hour laws, but no class was certified because they could not identify "predominant common questions of law or fact" among them.

5. Hotel Liability

After a hotel clerk promised a husband to check on his unanswering wife/guest, he entered her darkened room, but did not see her on the floor - comatose. She sued the hotel and, although generally there is no duty to care for another, if one "undertakes" to help, the aid must be rendered reasonably. A jury will determine if the clerk was negligent.

6. Little League

Children's ballgames often produce foul balls plunking vehicles parked too near the field. A home run hitting 12-year-old was sued for purposely "aiming" at a particular car! A Small Claims Court ruled against the child, but the judgment was overruled on appeal. Enough said.

7. Current Cases

This month we resolved a dispute between real estate brokers and a claim by a "bought out" property syndicate investor; closed a corporate acquisition; coordinated a financial elder abuse lawsuit and the leasing of a small shopping center; 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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