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October 2019

1. Rent Control

The law exempts single-family dwellings, but not one where multiple tenants shared only a bathroom and kitchen and not their private bedrooms. Rent control applied.

2. Firefighter Rule

A hurt worker cannot sue his employer (except workers comp) for injuries from the hazard he was hired to confront. A guide hired to protect tourists fell off a platform, but could not sue, because maintaining platform safety was his job.

3. Subdivisions

Permission to subdivide property is denied when resulting parcels would be too small to sustain their zoned use, so residences cannot be built on agricultural land unless the housing would be but a minor part of the overall use.

4. Indispensable Parties

Adjacent landowners conveyed certain rights-of-way to each other for roads, but a later owner failed to obtain a specific deed for his easement. The court refused to grant him a right since his suit failed to include all affected parties.

5. Foreclosure

Generally, a nonjudicial foreclosure does not allow a creditor to recover more than the property, but a so-called "non-selling junior lien holder" is not prevented from collecting a non-foreclosed note.

6. Job Discrimination

The statement of a co-employee is not inadmissible hearsay when the witness is an agent of the employer.

7. Independent Contractors

Last year's seminal court decision imposing a new test for qualifying as an "independent contractor" is retroactive. [A recent statute upholds this ruling.]

8. Ocean Views

Absent a specific contract, landowners have no rights to unobstructed views. Even when a homeowners' association provided view protection, the court limited it to the initial completed structures and remodeling which impaired, but did not unreasonably block, an ocean view was valid.

9. Current Cases

Among other assignments, our office is currently defending a shopping center against a disability access lawsuit, prosecuting some personal injury claims, and representing a property owner seeking a short pay off of a mortgage.

This practice serves as a "lawyer of first resort", or "primary care attorney," 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