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1. Employer Wins

Most workers must receive a half-hour meal break, but if they accept full pay to work through lunch, they cannot also sue the boss.

2. One Bite at the Apple

When the State Tax Board published a list of "tax debtors", one debtor sued the state for violating his constitutional rights. After he lost, he sued again for invasion of privacy and lost again because the second case included the same parties, demands, and evidence as the first losing case.

3. Psychiatrist Privilege

After a psychiatric patient complained to the Medical Board about his doctor's care, he authorized the release of his records to the investigators, and when the doctor refused to deliver, the Board served a subpoena. The patient withdrew his complaint and asserted the psychotherapist privilege, but the Board persisted. The doctor sued to cancel the subpoena and won because without the patient's permission, the privilege remained.

4. Commissioned Sales

Such workers are entitled to the legal minimum hourly wage for time taken for rest and meal breaks.

5. Boundaries

A developer sued its neighbor for adverse possession of land between a "boundary road" and a fence and blockaded access. The neighbor won because the developer's actions were not "sufficiently hostile to the [neighbor's] title" to terminate the recorded ownership of the neighbor who was awarded \$20,000 for trespass.

6. Elder Abuse

After receiving several reports of room thefts, a rest home director placed currency and a camera in a resident's room which photographed a caretaker just before the money disappeared. Police declined to prosecute and the caretaker sued the home for false arrest. The caretaker lost because the rest home was legally required to report any possible elder abuse (including theft) and was immune from liability.

7. Asbestos Liability

A mechanic worked with auto brake machinery which he claimed released asbestos dust which sickened him, and sued the manufacturer. Although the machine contained no asbestos, the mechanic won because the machine's main purpose was to grind brakes, an "inevitable use" which predictably created damage.

8. Government Contracts

Since a public entity may reject any and all submitted bids for construction, one bidder cannot sue another who "won" contracts by underpaying its workers.

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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