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1. False Advertising

Awards of restitution of illicit profits must consider, but not inflexibly require, whether the defendant's mental state was willful or not.

2. Malicious Prosecution

A plaintiff suing for malicious prosecution must prove that the prior action was brought without probable cause. If such cause existed, the prior litigation was not "malicious".

3. Guns

A state law banning the sale of semi-automatic rifles to young adults was an unconstitutional burden on the right to "home self-defense".

4. Boundaries

A property owner cleared trees on land she thought was hers, but was actually her neighbor's. When sued for trespass, she submitted the claim to her insurer, but there was no coverage because she intended to remove the trees and her mistaken belief of the boundary location was irrelevant.

5. Billboards

Displays advertising businesses in the vicinity, as opposed to distant enterprises, are not prohibited by the Outdoor Advertising Act.

6. Usury

A 16% mortgage rate violated the usury law and was unenforceable, but since a promissory note with a void usurious rate is considered to have no rate at all, the lender was entitled to the statutory minimum of 7%.

7. Antitrust

Competitors in a given industry are not guilty of conspiracy where all were merely reacting to the same market pressures and taking similar actions to serve their interests.

8. Real Estate

A grant deed was judicially voided after the participating real estate broker was convicted of procuring a forged instrument.

9. Current Cases

This month our office is advising a condominium owner regarding its HOA; , a building contractor with its Union agreement, a commercial landlord with a mold problem; and a corporation about complying with statutory regulations; defending Superior Court lawsuits; and representing other commercial and individual clients.

This practice serves as a "lawyer of first resort", or "primary care attorney," advocating for small businesses and individuals with transactions and disputes, 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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