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1. Real Estate

a. Partition - A party sued to liquidate a property co-owned with her partner who ignored the case despite receiving the summons directly from the Plaintiff. A default judgment was eventually entered, but when the defendant learned of the judgment, the court granted his motion to "set it aside" because service of process must be implemented by a non-party.

b. Easements - One can be abandoned if the owner stops using it intending that the cessation be permanent. Whether a railroad intended an abandonment is a question of fact which must be decided at a trial.

c. Eviction - A person was permitted to live on another's property rent-free as a reward for many years of labor. After the owner died, his estate sought to evict the occupant who was allowed a trial over whether she could be evicted without just cause pursuant to the Tenant Protection Act of 2019.

2. Insurance

a. Uninsured Motorist - In an arbitration for an uninsured motorist claim, a policyholder's pretrial settlement demand was rejected, but the arbitrator eventually awarded a higher amount. The insured requested, but was denied, prejudgment interest because such is not allowed in this type of proceeding.

b. Zygotes - A facility storing frozen embryos allowed its cryogenic tank to fail and a family's deposits were lost. They sued their homeowners insurance company for a "direct physical loss" of property, but lost, because they could not establish that the failure was one of the policy's sixteen specified perils.

c. Covid - Companies are still suing insurance companies for business interruption due the pandemic, and are still losing absent evidence of a physical loss to insured property.

3. Native Americans

Because every tribe is capable of self-governance, a lawsuit to enforce a contract with a tribe requires a determination of intra-tribal authority over which the federal courts have no jurisdiction.

4. Alter Ego

A judgment creditor of an LLC obtained an order adding as a liable party the person who maintained complete control over the company and its assets. The person lost because it would have been unfair to let him hide behind the company "shell".

5. Current Cases

This month our office is representing a landowner in a partition claim; defending a claim for real estate fraud and prosecuting one insurer for failure to cover a claim and another for wrongful death; settling a federal court case for disability access; and assisting other commercial and private 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