

NEW YEAR UPDATE



**COREY, LUZAICH,
DE GHETALDI & RIDDLE LLP**
Attorneys at Law

Northern California Fire Cases

On October 8, a series of fires broke out across Northern California, devastating Sonoma, Napa, Solano, Mendocino, Lake and Butte Counties, killing more than 40 people and displacing thousands more. Though the investigations are ongoing, evidence already uncovered and seen by our investigators, as well as what we know from experience about PG&E's involvement in other catastrophic California fires, which we learned through our work on the San Bruno Explosion and Butte Fire cases, strongly suggests the utility's equipment and conscious disregard for public safety caused these deadly blazes. On December 20, 2017, our firm filed lawsuits against PG&E on behalf of over 60 clients who were victims of the Atlas, Cascade, Nuns, Redwood Valley, Sulphur, and Tubbs Fires. For those impacted by the fires, insurance may cover a portion of the damages. However, many homeowners, renters, and business owners may be under-insured, and many policies may not cover the full extent of their damage, including coverage for destroyed or damaged property or the true value of the mature trees and acreage that many victims lost. In addition, individuals may have claims for wrongful death, physical or emotional injury or out of pocket expenses due to evacuation or displacement. Dario de Ghetaldi and Amanda Riddle lead these cases for our firm.

New Year, New Beginnings

Please Note Our New Firm Name: As of January 1, 2018, our firm name will change to Corey, Luzaich, de Ghetaldi & Riddle LLP. For personal and professional reasons, our partner Jerry Nastari has left our firm. We wish him the best in his future endeavors and will continue to support his success in any way we can.

Welcoming Susan Spiker: We are pleased to announce that Susan A. Spiker has joined our firm as an associate attorney with our litigation team. Susan works with us on our PG&E Butte Fire cases and her potential and skill as a litigation attorney are clear. We look forward to watching her talent grow with our firm.

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Is it Time to Update Your Estate Plan?

Life is always changing. People undergo major life events such as marriage, divorce, birth of a child, and death, which require modifications to their existing estate plans to reflect their current situations. Family relationships change, assets change, and tax laws change, any one of which could justify adjustments to your estate plan. This month Congress passed tax legislation that may have a significant effect on your estate plan. Under the new plan, the estate tax exemption amount doubles to approximately \$11 million per person, \$22 million per married couple, and applies to the estates of people who die after December 31, 2017, but before January 1, 2026. This is a major beneficial change in the estate tax law and your prior plan should be reviewed to make sure it takes advantage of this new law. We strongly recommend that you schedule a time with us to review your estate plan in 2018 when Congress will have worked out the details of these plans and to determine if any other updates or changes are needed. Steven N. Luzaich leads our estate planning team.

2018 Employment Law Changes

Parental Leave Expansions

S.B. 63, signed into law by Governor Jerry Brown, expands parental leave protections to those individuals who work for employers with at least 20 employees. Under the new law, which is set to take effect on January 1, 2018, employers with at least 20 employees must allow an employee who has more than 12 months of service with the employer to take up to 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption, or foster care placement. The new law expands the protections afforded under existing law, which had previously applied only to employers with 50 or more employees. Note that this leave is unpaid, though employees may qualify for wage replacement coverage under SDI, the California Paid Family Leave Act, or employer leave policies. We recommend that you review your leave policies immediately and contact Amanda L. Riddle if you have any questions regarding any need for updates.

Minimum Wage Increase

Starting January 1, 2018, the state minimum wage rate is going up. Employers with 26 or more employees must pay their workers at least \$11 per hour, while employers with 25 or fewer employees must pay their workers at least \$10.50 per hour. Don't forget that some localities have passed their own ordinances, in which the minimum wage for 2018 is actually higher than the state minimum wage. For instance, as of January 1, 2018, minimum wage in the City of San Mateo is \$13.50 per hour for most businesses.

This minimum wage hike also impacts the salaries of exempt employees, who must earn no less than two times the state minimum wage for full-time employment, which as of January 1 is \$45,760 annually for employers with 26 or more employees, and \$43,680 for employers with 25 or fewer employees.

California Declared Sanctuary State

A series of newly passed laws heightens protections for immigrants in California, including in the workplace. Under AB 450, employers are prohibited from cooperating with federal immigration authorities in the absence of a judicial warrant or court order. Employers are further prohibited from:

- Voluntarily consenting to an immigration enforcement agent entering nonpublic areas of the workplace without a warrant;
- Voluntarily consenting to an immigration enforcement agent's accessing, reviewing or obtaining employment records without a subpoena or court order; and,
- Re-verifying the employment eligibility of a current employee at a time or in a manner not required by federal law.

The law also requires employers to notify current employees of an inspection of I-9 forms and other employment records by an immigration agency within 72 hours of receiving the federal notice of inspection. Failure to comply with the new law may result in significant monetary penalties.

Prohibitions Regarding Salary History Inquires

Under this new law, private and public sector employers are prohibited from relying on salary history as a factor in determining whether to offer an applicant a job, or what salary to offer that applicant. In addition, the law prohibits employers from asking the applicant to provide salary history. If the applicant voluntarily and without prompting discloses salary history information to a prospective employer, that employer may then consider and/or rely on that voluntarily disclosed salary history information in determining the salary for that applicant. However, when doing so, keep in mind the California Fair Pay Act, which prohibits employers from using prior salary, by itself, to justify any disparity in compensation.

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