

# AER eNews

*An Occasional Electronic Newsletter from Alan E. Ramos  
Actor and Attorney*

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## *Intro*

By Alan E. Ramos

It's Spring already – Summer is only a month away. They were right – time does fly by and it's picking up speed. That said, it is hard for me to know what season it is here in LA, especially with 90 degree days in March. Down here it seems that what it feels like today is all that's important because summer can follow winter, followed by summer, followed by spring again (all in one week). I don't think the birds care, so why should I. This installment of the eNews includes some great advice from my colleague Bob Jacobs, my advice to graduates and a bit of whimsy. My new website is up and running (it's where you found this newsletter); here is the link: [alan@AlanERamos.com](mailto:alan@AlanERamos.com). If you would like to follow my acting career, you can do so on IMDb.com; here is a link: [http://www.imdb.com/name/nm7218597/?ref=fn\\_al\\_nm\\_1](http://www.imdb.com/name/nm7218597/?ref=fn_al_nm_1)

## *2 Million Reasons to Say NO!*

By Alan E. Ramos

Since I wasn't asked to be a commencement speaker this graduation season (and why would I be), I thought that I would take this opportunity to present the commencement speech that I would have given, had I been invited. So sit back and imagine that you are sitting in an uncomfortable chair in a large auditorium (or outdoors on the football field) fanning yourself and wondering why you have to listen to this guy (answer: they don't hand out the diplomas until he is done). So here it goes:

I believe that you can come up with 2 Million reasons to say NO to anything. However, all you need is one reason to say YES! That was the advice that I gave my daughter when she told me that she was thinking of saying no to the opportunity to travel to Japan with her mom. Of course, you can say no. It's easy and requires no further action on your part. But if you say yes, a whole world of opportunity opens up for you. Is it that simple, does success come from saying yes instead of no? No it doesn't. However, the opportunity to succeed starts with yes. Yes makes it possible.

*They Say: Follow Your Passion!*

You say, "I have no idea what my passion is." I didn't find my passion until I turned 30, pursued it for a few years, realized that I couldn't sustain myself financially, left it and returned to it 33 years later (having now decided that being poor isn't the most terrible

thing that could have happened to me). I am now pursuing my passion – acting – which is my 6<sup>th</sup> and possibly final career (assuming that another passion doesn't intervene and take me on another path). So what if you haven't found your passion. Don't just sit on the front porch and wait for it to come along and whisk you away (does anyone have a front porch anymore?); go ahead and start down a path, any path. Remember, life is about the journey, not the destination (if it isn't, I for one will be not too happy). As you walk this path, keep your eyes and your heart open. Your passion may not be what you think it is and if you're not paying attention, you just might walk right by it. When you find it, embrace it with all of your soul because it can sustain you and propel you throughout your life.

*But, what about the obstacles to our success?*

I have learned (with many thanks to Robert and Michelle Colt – you can contact them at: <http://www.insidegame.com/>) that many, if not most, of the barriers to our success are the barriers that we have erected. All of the NOs and CAN'Ts and SHOULDN'Ts that hold us back; we created them and we now embrace them as beliefs. They turn up as: That's too big a risk! I'm too old! I'm too young! I don't have enough experience! I don't have enough money! I'm not pretty (handsome, tall, whatever) enough! And, on and on and on. These beliefs are powerful and easily defeat us because we hold them so close.

Since we created these barriers, we can tear them down. Sounds simple – it isn't. It takes commitment. It takes work. It takes time. And, sometimes it takes help. Just commit yourself to tearing these barriers down. When we do, we can open up our life to the possible. It is no guarantee of success, but it opens for us a doorway through which we can walk, with the power to achieve success, because we have now gotten out of our own way.

*Did I wait too long?*

When I decided to leave my law firm, move to LA and pursue an acting career, a number of people asked me if I regretted waiting; did I think that I should have done it earlier in my life. I didn't have to think very long to answer them; the answer was no. Simply stated: where I am at this moment is the sum total of all of the experiences in my life. All of the good, the bad, the ugly, the smart, the stupid, the compassionate, the unthinking, the helpful, the unhelpful; all of it. The fact is that I am happy where I am and I'm where I am because of everything that I have done. I simply wasn't ready to do what I am doing before I decided to do it. I was ready when I was ready – not a moment before. For me (or you) to want to change our history would mean that we would be something that we are not now. I guess if you don't like your life, you might want to think "if only I didn't...". But this is not helpful. First of all, erasers only work on blackboards (for my millennial audience – whiteboards). You can't change your history, but you can affect your future (see my article entitled NOW). Regrets are part of life. Own them, then move on. If you spend too much time with regrets, you've spent too

much valuable time, time that could be better spent on today and planning for tomorrow. If you make a decision to do something today, you have not waited too long. Live the Nike life – just do it. (And remember – you can always change your mind!)

### *What if I fail!*

If we stopped trying simply because we failed, we never would have learned to walk, to talk, to ride a bike, to drive a car, not to mention sex (oh my!). There is not much in life that you must be successful at the first time (sky diving is one that comes to mind). Life is full of skinned knees, hurt feelings, a few tears and such. But as the song says, “you just get right up, brush yourself off and start all over again. There is no sin in failing. The sin is in failing to try and trying again.” (It should be noted that some ideas are lousy to begin with. As an attorney specializing in bankruptcy for many years, I do realize that some failures are pre-ordained, they are simply bad ideas. Replicating bad ideas and doing it over and over again without a different result is, as Einstein is said to have opined, is one definition of insanity.) We learn from our failures, make the necessary adjustments, take a breath and do it again. If it is truly a passion we are pursuing, we owe it to ourselves to try again and not let failure defeat us.

Remember, you only need one reason to say yes. Give yourself a great gift today. Open that door, stride through it with the confidence that you believe in you. Find a path and walk it. I assure you; if you pay attention and really see the possibilities, you will find your passion. Then it is up to you to embrace it and complete that great gift you have given yourself. Finally, take some Band Aids and Neosporin along with you. Most assuredly you will skin a few knees and elbows, so be prepared. Be well my friends.

So that's it. It's over. The kids will now get their diplomas and you can go home and cool off. Mom and Dad – you did it!

## *Not Worth the Fight*

*By Robert B. Jacobs*

Sometimes Truth is stranger than Fiction.

Having said that, it's worth noting that homeowner's insurance can provide a broad range of coverage. In one case homeowner's insurance covered a man who fell out of a tree while trying to lop off some large tree branches. In another case homeowner's insurance covered someone who fell through a glass topped table while dancing on it. In yet another case homeowner's insurance covered a claim that a strand of bamboo in a drainage canal caused serious erosion to the property across the canal. Homeowner's insurance can cover all kinds of things. But can homeowner's insurance cover two ears and a nose?

Homeowners insurance is almost always a good idea. Most policies carry two kinds of coverage: coverage for the home and its contents, and also general liability coverage for

the homeowner. This general liability coverage won't usually provide coverage for accidents or losses involving motor vehicles. That kind of coverage is usually provided by a separate policy of motor vehicle insurance. But if a covered homeowner is out golfing, and if they unintentionally hit a stray ball over a high fence so that it blasts through a million dollar stained glass window on the front of a mile high cathedral - well, there just might be coverage for that. The general liability coverage in a homeowner's policy can often provide coverage for all kinds of general liability where a homeowner might unintentionally cause loss or injury to someone else. Many homeowners might generally think that this type of general liability coverage might only extend to an injury that occurs on the property - such as somebody walking past the house who steps on a rake, and where the rake flips up and gives them a smack right on the forehead. Or the population of homeowners at large might think that homeowner's general liability coverage might only extend to something like the homeowner who digs a trench across their front walkway and front yard to install a pipe, only to have a neighbor step into that trench with disastrous results. Yes, such accidents might be covered. But there can also be events off the premises that can be covered. Some of these might be very simple. Or some can be more dramatic - like one involving a nose and two ears.

Apparently a lawsuit was filed in the Federal District Court in Colorado that resulted in a trial in 1986. In that case, the plaintiff (or "claimant") filed a suit against an insurance company who had written a policy of homeowner's insurance for a defendant. Apparently the plaintiff had lost his nose and both ears, and had tendered a claim for compensation to the insurance company who had insured the defendant. The insurance company denied coverage, and the plaintiff sued. The person who lost their nose and both ears was named Maestas. The defendant who was insured was named Castro. In the court's own words, here is what happened: "Maestas [the plaintiff] and Castro [the defendant] were occasional drinking buddies who were acquainted through work and softball team activities. On the night of December 5, 1982, they were drinking and socializing in a bar. The evening's events did not remain subdued and tranquil, however. Epithets were exchanged and fisticuffs ensued. Maestas and Castro were asked to leave the bar premises. Round two took place in the parking lot. Though each claimed the other was the initial aggressor, Maestas lost; his nose and ears were bitten off.

"Before this brawl Castro had hopes of becoming a policeman, but he entered the court system through the other door, so to speak. He was convicted of criminal assault in the second degree and sentenced to four years imprisonment."

"On May 3, 1984, Maestas filed a civil complaint against Castro in the state district court. The complaint sought damages from Castro due to negligence! One is puzzled by the allegation since at least three bites were required to achieve the damage inflicted. Arguably such activity could be described as gross negligence, but I think the third bite

pretty clearly elevates the activity to an intentional tort, however mindless it might seem.”

Maestas apparently tended a claim to the insurance company for coverage, which was denied. Maestas then filed suit against the insurance company. The trial court judge noted that the policy excluded coverage for claims that were “expected or intended by the insured.” The Court found that biting off the nose and ears of another person required an intentional act (which was expected or intended), and therefore no insurance coverage existed.

As a result, Maestas not only lost the fight; he lost the lawsuit as well. The case is reported as *W. Am. Ins. Co. v. Maestas*, 631 F. Supp. 1565 (D. Colo. 1986).

Homeowner insurance policy coverages can involve complex legal issues. Persons with coverage questions or issues should consult competent legal counsel.

*Robert B Jacobs practices real estate, business, bankruptcy and foreclosure law in the Bay Area. The foregoing article is not a complete discussion of the subject address, and should not be relied on. Readers with specific questions or issues should consult an attorney.*

## ***Grey = Wisdom (Really?)***

Michael “Mike” Ross is a sixty-something man who spent most of his adult life married (three marriages as it turns out). He is now single and thinking he should be, if not in a relationship, dating. Problem is he is totally clueless about the single world in general and the world of dating specifically. Follow Mike through his brave (?) new world, proving that because one has grey hair doesn’t always guarantee that one has wisdom (or does it?). Production is tentatively set for the Fall of 2016 (Fall in LA?). Crowd funding efforts will be launched in June; you too can be part of the effort to bring Mike’s story to life. Stay tuned!

## ***The View from Murray’s World***

The following news, views, comments and/or opinions are from the mind of Murray Richards, formerly the anchor of the award-winning news team on the now-defunct Bankruptcy Television Network. Murray’s views and opinions are those of the author alone, considering that they are not shared by many, if any, other living human being.\*

The following is offered in rebuttal to that somewhat sickening sweet “commencement address” found earlier in this missive. If I were giving a commencement address, I would be honest with those kids. My offering:

Well, the gravy train is over. Now you have to get a job and pay off your student loans. Good luck on that. Mom and Dad really want to turn your room into a man cave or a

reading room. They said “Yes, take your time, find a job, this is still your home.” Did they mean it? Hell no, they want you out, paying your own way.

### *Tools for Survival*

Take it from me, Murray Richards – award winning writer, you only need two tools for survival: An Excuse and Someone to Blame. With these tools, you too can be an elected official or a CEO.

Let’s start with excuses. You can’t leave the house without a good excuse. And, you’ve got to do better than “my dog ate my homework”. It’s the 21<sup>st</sup> Century. “I had a power outage and it fried my hard drive.” “My IT guy found an actual bug in my computer.” “Someone hacked into my car’s computer and totally screwed up my GPS or I would have been here on time.” You can leave home without your American Express card (assuming your Dad still pays your bill), but you can’t leave home without a good excuse. It’s survival man!

Never accept responsibility! It has to be someone else’s fault, always. What is the upside for taking responsibility? You think that they will respect you? Forgetaboutit! They will think that you are a schmuck. If you haven’t already done so, start compiling a list of people in your life on whom you can blame things. That way, you won’t be caught short when it counts. For instance: you didn’t pay that bill – “You never received it!” (It was the Post Office’s fault – they’re an easy target.); you ran of gas – “Faulty gas gauge!” (they don’t build cars the way they used to – your Grandfather told you that.); you didn’t turn in that report on time – “You were given the wrong deadline!” (your assistant, the mailroom, another manager, anyone else (Bueller?, Bueller?) – this is why you need a list). Seriously, how many successful people that you know actually take responsibility for anything, except success – they take responsibility for that even if it had nothing to do with them.

So, there you are. You are ready to go into the world and be successful because you are armed with great excuses and you stand ready to blame everyone else for your screw-ups. You are now ready to pursue the American Dream. Don’t forget to invite me to your Inaugural Ball.

## *Upcoming Events\**

California Bankruptcy Forum – 28<sup>th</sup> Annual Insolvency Conference – May 20-22, Indian Wells, CA

Commercial Law League – Mid-Year Collection Conference – July 17 – 19, Napa, CA

California State Bar – Annual Meeting – September 29 – October. 2 – San Diego CA

Conference of California Bar Associations – Annual Conference – Sept. 30 – Oct. 2 – San Diego, CA

\* This is a listing of upcoming events for organizations to which I belong and/or support (and some I don’t). For more information on any of these programs, send an email to: [aramos@aerlaw.com](mailto:aramos@aerlaw.com)

## ***Great Mediation Training: An Unsolicited Endorsement***

By Alan E. Ramos

I am a firm believer in mediation – to my mind, mediation is more effective (both time and cost) than litigation or arbitration. If you are looking for a mediator, I would appreciate it if you would consider recommending me as a neutral. If you have an interest in becoming a mediator, or you need follow-up training, and you are looking for an excellent source for your training, I strongly recommend Steve Rosenberg. His mediation training program is excellent. His next Mediation Training will be presented in San Rafael on November 2-4 & 9-11, 2016. Steve has also scheduled an Advance Training which will be presented in San Rafael on November 17-18, 2016. For more information about this program (and his advanced mediation training), click on the following link: <http://www.rosenbergmediation.com/> and click on the “Training” button.

## **ALAN E. RAMOS, ESQ.**

Disclaimers:

*This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is distributed with the understanding that the publisher is not providing the information contained herein as legal, accounting, financial or other professional advice. If legal advice or other expert assistance is required, the services of a competent professional should be sought. This publication, or any part herein, may not be reprinted, published or distributed without the prior express written permission of Alan E. Ramos. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 became law in October of 2005. In addition to bearing an Orwellian title, the Act requires that any attorney who provides bankruptcy counseling to individuals (defined as assisted persons), must advertise themselves as Debt Relief Agencies. Consequently, Congress has decreed that I must advertise myself as a **Debt Relief Agency**. Accordingly, I provide the following notice: **From time to time I proudly offer to provide services to consumers (including creditors) in need of bankruptcy counsel. (So there.)***

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**Alan E. Ramos**  
357 S. Fairfax Ave., PMB 293  
Los Angeles, CA 90036

**Email: [aramos@aerlaw.com](mailto:aramos@aerlaw.com)**  
**Telephone: 213-841-1466**

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