

## BUSINESS GROUPS

- Business & Civil Litigation
- Commercial Finance
- Corporate
- Employment
- Environmental
- Franchise & Distribution
- Health Care
- Intellectual Property
- Mergers & Acquisitions
- Real Estate
- Tax Planning

## CONSUMER GROUPS

- Family Law
- Personal Injury
- Trusts & Estate Planning

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**Employment Law Update 2016:** Sue M. Bendavid and Nicole Kamm will present our annual seminar regarding new state and federal employment laws affecting employers, on Wednesday, January 6th, and Thursday, February 18th. The presentation will take place in our Boardroom and is complimentary for clients and friends. Attorneys and accountants may earn continuing education credits, and a light breakfast will be provided. To RSVP for either session, contact Chris Podbielski: [cpodbielski@lewitthackman.com](mailto:cpodbielski@lewitthackman.com).

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## NOVEMBER 2015

### *Recent Professional & Community Accomplishments*

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Congratulations to **Kira S. Masteller** and **Nicole Kamm**, recognized at the San Fernando Valley Bar Association's annual installation gala. Kira previously served as SFVBA Treasurer and Secretary, and will now serve as President-Elect. Nicole serves on the Board of Trustees. The Association also recognized **Stephen T. Holzer** for his dedicated service to the Valley Community Legal Foundation, and **Hannah Sweiss**, incoming Chair of the Executive Committee of the New Lawyers Association. We are proud of our many attorneys currently serving (and those who previously served) the SFVBA and VCLF.

**Sue M. Bendavid** and **Nicholas Kanter** successfully opposed two motions in a trade secret lawsuit against four firm clients. In one motion the plaintiff requested a private "referee" to oversee discovery disputes. In the other, the plaintiff sought an order confirming that certain "trade secret" designations made by the plaintiff were applied in good faith. The court agreed with the opposition briefs filed by Sue and Nick, and denied both motions.

**Lynn Soodik** (Certified Specialist in Family Law) and **Kevin E. Rex** negotiated a resolution for our client in a highly contested divorce matter. The client and the former spouse owned multiple properties through various entities. Lynn and Kevin worked together to resolve the real estate and business issues. In another matter, Kevin assisted a client in resolving a bitter dispute with his brother relating to their family business.

**John B. Marshall** and **Paul C. Bauducco** obtained a judgment for over \$1,000,000 for a client in a trial in Orange County Superior Court. The Court awarded the full amount requested plus almost \$250,000 in interest in a contested matter involving conflicting expert testimony on the value of emergency medical services provided by a hospital and a physician group.

**Nicole Kamm** resolved claims of wrongful termination, harassment, discrimination and retaliation made by a former employee of a client. The initial demand was nearly seven figures. After a year of almost daily negotiation, Nicole worked to settle the matter, including a release of all claims, for a fraction of the initial demand.

**Kira S. Masteller** prepared an estate plan for an American client with assets in California, but who presently lives in and does business from Italy, via a California corporation. Kira combined the tax benefits of both locations, enabling our client to receive favorable income tax and estate planning results.

**Barry Kurtz**, **David Gurnick** (Certified Specialists in Franchise and Distribution Law) and **Samuel C. Wolf** represented a franchisor in an action against a franchisee who was not performing obligations under the Franchise Agreement. Barry, Sam and David assisted in negotiating a resolution in which the franchisee exited the system and paid the franchisor a substantial sum for lost future royalties.



**Barry T. Harlan** and **Vanessa Soto Nellis** (California Certified Specialists in Family Law) represented a client

at a highly contested six day trial. Barry and Vanessa obtained a very favorable result, which protects our client's significant, separate property.

**Kevin E. Rex** resolved disputes for two separate clients prior to litigation. In one matter, Kevin represented the client in negotiating a deal to buy out a business partner. The other matter involved a dispute the client had with a customer relating to the payment for services provided by our client.

**Tal Grinblat** filed a Letter of Protest against an identified trademark application that used a similar mark to our client's distinctive design – and followed up with the Trademark Office Petitions Department to expedite review. The Petitions Office approved the Letter of Protest and the Examiner assigned to the application issued a refusal to the infringing applicant. This process to block the infringer allowed our client to avoid the potentially costly need to oppose the infringing applicant's application.

**Sue M. Bendavid, Nicole Kamm** and **Hannah Sweiss** worked together to mediate and resolve a multi-plaintiff lawsuit for alleged wage and hour violations.

**John B. Marshall** and **Paul C. Bauducco** settled a commercial real estate case at the commencement of trial, providing the client with a very favorable settlement while saving him the costs of a two week jury trial.

**Andrew L. Shapiro** and **David B. Bobrosky** settled a case favorably for a client who tripped over a protruding outlet cover while walking through a hospital pharmacy and broke her hip. While the pharmacy did not violate any building codes, Andy and David were able to show that the poor placement of the outlet covers still posed a tripping hazard, especially to elderly people who would be utilizing the facility. As a result of this claim, the pharmacy has remedied this problem so in the future, no similar falls will occur.

**Amy I. Huberman** and **Veronica R. Woods** joined our firm as associate attorneys. Amy will be working in our Employment Practice Group and represents management in employment matters. Veronica will be working in our Family Law Practice Group, representing clients in all aspects of divorce, cohabitation and other family matters.

**John B. Marshall** was recently appointed as counsel to the Board of Directors of the Antelope Valley Healthcare System, a California local health care district, which operates Antelope Valley Hospital. John has served in that capacity for another health care district, Valley Health System, for over twenty years

**Nicholas Kanter** overcame issues created by multiple bankruptcy filings that interfered with our client's ability to obtain possession to a property purchased at a non-judicial foreclosure sale. Nick proved to the Bankruptcy court that the multiple filings were part of a scheme to hinder or delay our client's state court lawsuit, and obtained an order permitting the client to proceed with its efforts to obtain possession of its property notwithstanding future bankruptcy filings.

**David Gurnick** served as a neutral mediator between two parties involved in a franchise relationship. In another matter, David spoke to a corporate client's board of directors on fiduciary duties of directors and the role of directors in relation to professional staff of the organization.

**Sue M. Bendavid** conducted harassment, discrimination and bullying prevention training tailored especially for management, teachers and support staff of several prestigious educational institutions. By law, many California employers must provide sexual harassment prevention training for supervisors. This presentation met those requirements and went beyond to focus on teacher-student relations as well.

**David B. Bobrosky** of our Personal Injury Practice Group was selected for a Volunteer Service Award by California State University Northridge. The school honored Dave for his work in launching and facilitating an alumni networking group for Los Angeles-based attorneys who graduated from CSUN.

**David Gurnick** spoke at the American Bar Association annual Forum on Franchising in New Orleans on opportunities and risks in using intellectual property originally created by others. **Barry Kurtz, Tal Grinblat** (also a Certified Specialist in Franchise & Distribution Law), **Gabriel A. Winter** and **Samuel C. Wolf** attended the Forum, which includes educational seminars and discussion of industry concerns in franchising law.

## PUBLICATIONS & MEDIA MENTIONS

### **Valley Lawyer**

*(San Fernando Valley Bar Association)*

Online Negativity: How to Fight Back

**David Gurnick, Tal Grinblat** and **Nicholas Kanter**, authors

### **Los Angeles Magazine**

2015 Top Female Attorneys in Southern California

**Sue M. Bendavid**, Employment  
**Nicole Kamm**, Employment  
**Kira S. Masteller**, Trusts & Estates  
**Vanessa Soto Nellis**, Family Law  
**Michelle S. Robins**, Family Law  
**Lynn Soodik**, Family Law

### **The San Fernando Valley Business Journal**

2015 Trusted Advisors

**Nicole Kamm**, Trailblazer Award  
**Barry Kurtz**, Trusted Advisor Award

### **Juris Publishing, Inc.**

Distribution Law of the United States - Second Edition

**David Gurnick**, book author

### **Law Practice Magazine**

*(American Bar Association)*

Firm Culture: Obstacle or Catalyst for Strategic Change?

**Keith T. Zimmet**, quoted

### **Valley Lawyer**

*(San Fernando Valley Bar Association)*

Fun With Trademarks & Copyrights: Parody, Satire and Lampoon

**David Gurnick**, author

### **KPCC: AirTalk with Larry Mantle**

Watching Workers: Debating the Legality of 24/7 Tracking

**Sue M. Bendavid**, guest

### **Valley Lawyer**

*(San Fernando Valley Bar Association)*

Don't Let Business Clients Become Accidental Franchisors

**Barry Kurtz**, co-author

### **Business Law News Annual Review**

*(California Bar Business Law Section)*

Annual Selected Developments in Franchise Law

**Tal Grinblat**, co-author

### **Security Magazine**

Court: Social Media Site's Reference Search Not a Background Check

**Nicole Kamm**, author