

## 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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**Tax, Trusts & Estate Planning:** On May 6, Michael Hackman (Certified Specialist in Tax Law) and Kira S. Masteller of our Tax, and Trusts & Estate Planning Practice Groups will present a seminar on how best to adapt an individual or family's estate planning to accommodate future goals, financial planning and current legislative changes.

**New Paid Sick Leave Law:** On April 29, Sue M. Bendavid, Nicole Kamm and Hannah Sweiss of our Employment Practice Group will clarify the intricacies of the Healthy Workplaces, Healthy Families Act of 2014.

Both presentations take place in our Boardroom and are offered on a complimentary basis for clients and friends. Attorneys and accountants may earn continuing education credits, and a light breakfast will be provided. Contact Chris Podbielski for further information: 818.907.3271 by phone, or [cpodbielski@lewitthackman.com](mailto:cpodbielski@lewitthackman.com).

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### APRIL 2015

#### *Recent Professional & Community Accomplishments*

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**John B. Marshall, Kevin E. Rex** and Paralegal **Lisa Whiting** completed the closing of a sale of assets of a large, long-term client, for a total consideration of over \$100 Million. The sale was complex, involving leases of multiple locations, regulatory approvals from a number of public agencies, and the transition of over 500 employees.

**David Gurnick** (a Certified Specialist in Franchise and Distribution Law) tendered a request to an insurance company to defend an area developer franchise client in an arbitration. The insurer refused to assist. In a claim against the insurance company, the U.S. District Court in Los Angeles ruled that our client was entitled to such assistance from the time of the initial request, and cited David's several follow-ups in its ruling.

**Nicole Kamm** favorably resolved a civil court appeal of the Department of Labor Standards Enforcement order. Nicole obtained a release of all claims and confidentiality provision, including liquidated damages in the event of breach.

Congratulations to **Tal Grinblat** (Certified Specialist in Franchise & Distribution Law) who was one of only 193 attorneys in the U.S. to be named a *Franchise Legal Eagle* by the *Franchise Times*. This is the second consecutive year Tal has been so selected.

**Sue M. Bendavid** and **Nicholas Kanter** successfully opposed an ex parte application for a temporary restraining order (TRO). A claimed competitor of a Firm client filed an emergency application asking the court to enjoin our client from communicating and conducting business with customers. Sue and Nick convinced the court that the claimed competitor had no evidence to support its application for a TRO and the court denied the emergency application.

**Keith T. Zimmet** guided our client through a voluntary prepayment of millions of dollars of State of California Revenue Bonds. As part of the complex transaction, Keith met with the staff of the California Pollution Control Financing Authority in Sacramento, and coordinated with the Offices of the California State Treasurer and the Attorney General, a national rating agency, investment bankers, and institutional trustees.

**Andrew L. Shapiro** and **David B. Bobrosky** represented a driver who suffered significant injuries when her vehicle was struck by another driver who made an unsafe left turn at an intersection. Upon thorough investigation, Andy and Dave found the other driver's visibility was obstructed due to poor landscape design and maintenance on the adjacent private property, which contributed to the accident. The City responsible for the intersection and the company responsible for maintaining the landscaping resolved the case by paying our client a multiple six figure sum.



Congratulations to **David B. Bobrosky**, who now joins the ranks of attorneys rated **AV 5.0 Preeminent** by Martindale-Hubbell. This

is the highest rating awarded by peers of the bar and judiciary based on very high ethical standards and legal ability. Our other *AV Preeminent* attorneys include **Sue M. Bendavid, Tal Grinblat, David Gurnick, Michael Hackman, Barry T. Harlan, Stephen T. Holzer, Barry Kurtz, Leon Lewitt, John B. Marshall, Kevin E. Rex, Andrew L. Shapiro, Lynn Soodik** and **Keith T. Zimmet**.

**Tal Grinblat** took action to overcome both a Trademark Office objection, and a cease and desist demand by a competitor of our client in the health and fitness industry. Tal divided our client's trademark application so that non-overlapping items could proceed to registration, and filed for a Concurrent Use registration for the overlapping items, to obtain rights for our client in all states except the other user's territory. Concurrent Use allows a junior user who uses a mark before the senior user's application date to obtain a trademark registration for those geographies where the junior user used their mark.

**Keith T. Zimmet** represented one of our shopping center clients through the refinancing of its primary mortgage. In another matter, Keith resolved a long-term dispute among several shareholders in two separate corporations.

**Kira S. Masteller** is representing a beneficiary of a trust to replace the current Trustee with a non-family member. In a separate matter, Kira is working with a client to facilitate the purchase of the family home from other beneficiaries of the trust estate.

**Kevin E. Rex** resolved a shareholder dispute between our clients and a third shareholder. After posturing by both parties, including the filing of a shareholder derivative lawsuit, Kevin was able to negotiate a buy-out of the third shareholder and to get the lawsuit dismissed with prejudice. In another matter, Kevin was able to negotiate a buy-out between two family members who owned a business equally. After extensive discussions and appraisals, we were able to negotiate the buy-out of our client's sister-in-law in the family business.

**Kira S. Masteller** is preparing Protective Trusts for children inheriting a large estate so that their inherited assets will be protected from creditors, or spouses in the event of divorce, while also maximizing the parents' estate and generation skipping transfer tax exemptions so future generations will not be taxed again on the exempt amount.

**David Gurnick** represented a multi-unit franchisee client in settling claims with another company and obtaining a non-disparagement clause in the settlement. The other party later criticized our client to a former customer, which led the customer to sue our client. David made demand on the other party, persuading them to settle with the customer and obtain a dismissal of the customer's claim against our client.

**Sue M. Bendavid** worked with a client to obtain a "no change" finding by the Employment Development Department pertaining to an audit of the classification of our client's independent contractors.

**Vanessa Soto Nellis** (a Certified Specialist in Family Law) and **Kevin E. Rex** of our Corporate Practice Group entered into lengthy negotiations with opposing counsel to resolve outstanding issues in a settlement agreement. The resolution involved complex income issues bearing on a highly contested spousal support matter.

**Paul C. Bauducco** settled an easement dispute case on very favorable terms, resolving the dispute with no payment by the firm's client and avoiding the costs of trial. In addition, Paul obtained terms in the settlement preventing future misuse of our client's easement.

**Nicole Kamm** represented a client to confirm the voluntary separation of an employee who recently lodged alleged harassment claims. Nicole worked with the client regarding a proper response, investigation, and follow-up documentation to minimize the risk of future claims. In a separate matter, Nicole counseled a client regarding obligations under state and federal law related to an extended leave of absence for the client's employee. Nicole prepared documents for client's use in response to requests for further time off.

## PUBLICATIONS & MEDIA MENTIONS

### **Family Law Section eNews** - State Bar of California

*Benefits of an Irrevocable Life Insurance Trust as Security for Support*

by Kira S. Masteller & Anthony D. Storm

### **Business Law News** - State Bar of California Business Law Section

*Comparison: Traditional Franchise & Beer Distribution Relationships*

by Barry Kurtz & Bryan H. Clements

### **The Dr. Phil Show**

*My Wife Chose Her Boyfriend Over Her Children*

guest: Lynn Soodik

### **Valley Lawyer** - San Fernando Valley Bar Association

*Using the Economic Loss Rule to Your Client's Benefit*

by Samuel C. Wolf

### **Family Law Section eNews** - State Bar of California

*Special Considerations When Representing Professional Athletes*

by Anthony D. Storm

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

*Employment & Labor Law: What Business Owners & Executives Need to Know*

quoted: Sue M. Bendavid

### **CNBC**

*How to Steer Clear of Franchise Financial Disasters*

quoted: David Gurnick

### **Valley Lawyer** - San Fernando Valley Bar Association

*Breastfeeding in the Workplace: A Mother's Rights and an Employer's Responsibilities*

co-authored by Nicole Kamm

### **The Wall Street Journal Best Lawyers in America 2015**

selected: Barry T. Harlan (Family Law) & David Gurnick (Franchise Law)