

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 and Estate Planning: Michael Hackman and Kira S. Masteller will present their annual estate planning seminar on Wednesday, May 11th. 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.

MAY 2016

Recent Professional & Community Accomplishments

Congratulations to Certified Family Law Specialist **Vanessa Soto Nellis**, who is now rated **AV 5.0 Preeminent** by *Martindale-Hubbell*, the highest rating awarded for legal ability and professional ethics. *The Martindale Directory* has been publishing lawyer ratings based on opinions of a reviewed attorney's peers (both lawyers and judges), since 1896.

Barry Kurtz and **David Gurnick** (both Certified Specialists in Franchise & Distribution Law) worked with independent overnight delivery contractors to preserve rights under their agreements. In each case a national overnight delivery service was seeking to reduce rights and impose greater costs upon the firm's clients. With advice from the firm, the clients were able to keep their existing valuable contract rights and cost structure intact.

Sue M. Bendavid resolved a years-long dispute very favorably for our client. The client's employee alleged she was a victim of sex discrimination, harassment, infliction of emotional duress, and made several other claims. She sought hundreds of thousands of dollars in alleged damages and fees, but Sue was able to convince the Plaintiff to accept the nominal sum the employer initially offered in a severance package.

John B. Marshall and **Paul C. Bauducco** obtained a temporary restraining order preventing foreclosure on a commercial property securing a deed of trust held by a client and allowing a motion for preliminary injunction preventing foreclosure pending trial to be heard. John and Paul then prevailed on the motion for preliminary injunction, allowing the matter to proceed to trial.

Keith T. Zimmet represented a private equity firm in its acquisition of a major industrial processing company. Negotiated over several months, the acquisition included an infusion of capital which will provide working capital to facilitate future growth of the company. Keith has served as lead counsel for this private equity firm in numerous merger and acquisition transactions.

Kevin E. Rex negotiated the sale of a privately held business in a niche industry. After numerous false starts with potential buyers over the years, Kevin and the client found a suitable buyer in the industry and were able to negotiate and close this multi-million dollar sale. The buyer permitted our client to retain her position and invest with the company, and gave our client the resources and opportunity to further grow the business organically, as well as through potential acquisitions.

Kira S. Masteller represents a Trustee in the post death administration of several Trusts which own multiple properties, a professional business and investment assets. Kira is working to dissolve the business under State guidelines, resolve title issues for commercial and residential properties, and determine distribution of assets for those beneficiaries still living, some of whom have various legal issues affecting distribution.

Nicole Kamm and **Hannah Sweiss** resolved a class action lawsuit for a nominal amount after first removing the matter to federal court. Nicole and Hannah used several defense strategies to promptly and efficiently settle the case favorably for our client.



David B. Bobrosky, Andrew L. Shapiro and Thomas Cecil obtained a seven figure settlement for a scooter driver hit

by a car turning into an apartment complex. The car's driver had a minimal insurance policy. During their investigation, Dave, Andy and Tom determined the turn was unsafe due to inadequate sight distance given the speed limit of the road, and overgrown landscaping. They sued the City, property owner, and the road's design engineers; and pursued a claim against the vehicle's owner for entrusting the car to someone who should not have been driving. Each defendant claimed no responsibility and made numerous motions for summary judgment; and the case was rejected by several prominent law firms. However, Dave, Andy and Tom prevailed – each Defendant contributed significantly to the settlement. Our client is unable to perform the work he used to do, but now has money to pay for his future care and support himself.

Sue M. Bendavid demonstrated to a plaintiff's attorney that his client was actually *overpaid* by our client based on the hours worked. The plaintiff filed a lawsuit alleging he was misclassified as an independent contractor and sought thousands in claimed wages, penalties and fees.

Kevin E. Rex worked with the shareholders of our client in negotiating and selling their privately held business. After receiving a letter of intent from the client, Kevin renegotiated the deal which, among other things, failed to take into account the client's Mexican operations. As part of the sale, Kevin also negotiated employment agreements for the shareholders as well as a minority interest in the buyer so that the shareholders could benefit from the future growth of the business.

Kira S. Masteller successfully represented a Creditor in a probate matter which included multiple disputed real property lawsuits, so that the Creditor's claim would be paid in full through the sale of estate property.

Paul C. Bauducco and Samuel C. Wolf successfully brought a demurrer to a First Amended Cross-Complaint against a client in a real property construction case, eliminating a claim for intentional infliction of emotional distress.

Keith T. Zimmet represented our client in refinancing a major shopping center. In negotiating the complex financing transaction, Keith worked with lenders, investment bankers, rating agencies, and insurance companies. In addition to providing new financing, the transaction included a defeasance of the existing debt, requiring a carefully coordinated, multi-state, multi-party closing over a period of several days.

Sue M. Bendavid and Amy I. Huberman filed a demurrer to a complaint in which a client's former employee claimed race discrimination, disability discrimination, harassment and wrongful constructive termination among other allegations. Sue and Amy were able to clearly show the claims had no basis in fact. In a very rare result, the plaintiff's attorney voluntarily dismissed the case with prejudice.

Nicholas Kanter prevailed on a motion for summary judgment in a lawsuit arising from a non-judicial foreclosure sale. By prevailing on the motion, our client was able to avoid the time and expense associated with having to proceed with the lawsuit through trial.

Tal Grinblat persuaded an Examiner to remove a trademark application being blocked by another application out of suspension. This permitted the client's mark to proceed to registration without a delay of over 12 months.

David Gurnick advised the owner of an iconic nationwide brand on steps to lawfully distribute its services through independent agents, and avoid having to register as a franchisor and make franchise law disclosures. In a separate matter, David prepared updated terms of use for a publisher that offers online subscriptions for its well-known do-it-yourself manuals.

Kira S. Masteller is preparing two separate trusts for spouses who each have separate property assets and children from previous marriages. The administration of these trusts will keep the heirs of one family separated from the heirs of the other family and hopefully prevent future disputes.

Sue M. Bendavid conducted employee training about responding to and reporting abuse, neglect and other misconduct in the workplace.

Stephen T. Holzer was installed to the 2016 Board of Directors of the United Chambers of Commerce (UCC). Steve has in the past served as overall Chair of the UCC, and continues to serve as Chair of the Government Affairs Committee.

PUBLICATIONS & MEDIA MENTIONS

The Business Journals

Guidelines When Considering Buying a Franchise

Barry Kurtz, contributor

The San Fernando Valley Business Journal

Labor and Employment Roundtable: What Employers Need to Know

Sue M. Bendavid, panelist

The Los Angeles Business Journal

Eateries Fed Up: Joan's on Third

Barry Kurtz quoted

The San Fernando Valley Business Journal

Chain Offers Slice: PizzaRev in Growth Mode

David Gurnick quoted

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