

## 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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### **Real Estate & Construction Litigation: Preventative Measures, Rights & Remedies:**

John B. Marshall and Paul C. Bauducco will present a 90 minute in-house seminar for anyone interested in learning about the potential legal pitfalls of major construction and landscape projects. We will provide a light breakfast and validate parking. Attorneys and Accountants may earn 1.5 hours CLE or CPE credit. Register for this presentation at [lewitthackman.com/events](http://lewitthackman.com/events).

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## SEPTEMBER 2018

### *Recent Professional & Community Accomplishments*

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Congratulations to **Barry Kurtz** (Certified Specialist in Franchise & Distribution Law) recognized at the *San Fernando Valley Business Journal's* annual *Trusted Advisors Awards* event as the Valley's **Attorney of the Year**, receiving a Client Service Excellence Award. This is the third time Barry was similarly honored. He received *Trusted Advisor* recognitions previously in 2012 and 2015.

**Nicole Kamm** resolved alleged whistleblower, hostile work environment and Private Attorney General Act claims against our client for a fraction of the initial demand, obtaining a full release of all claims. Nicole then worked with the client to restructure current employment practices to minimize the business's risk for future claims.

**Barry Kurtz** has been working with a Papa John's franchisee in the process of selling his franchises and whose sale may be in jeopardy. Our client reports that his sales have dropped significantly since the company's founder became mired in controversy. In separate matters, Barry and **Taylor M. Vernon** successfully closed two escrows for the purchase and sale of a franchised restaurant and a franchised music business.

**David B. Bobrosky** of our Personal Injury Practice Group represented a client who suffered a detached retina in a very minor rear-end car accident. Our client did not experience symptoms for more than two months after the accident. Despite the late manifestation of symptoms and treatment, David secured the full policy limits from the driver at fault, then sought our client's multiple six figure underinsurance coverage. Our client's insurance company aggressively fought the claim by taking multiple depositions, and hiring an expert to testify the accident did not cause the injury. David ultimately convinced our client's insurance company to pay the full policy limits for this unique injury.

**Keith T. Zimmet** guided our client through the settlement of a long-standing dispute among shareholders. Leading more than one year of negotiations, Keith was able to settle the dispute without resorting to litigation. Our client received back more than one hundred percent of its multi-million dollar investment in the subject company.

**Sue M. Bendavid, Nicholas Kanter, and David Gurnick** defeated a motion for class certification filed in two class action lawsuits against the firm's client. Through the motion, the plaintiffs sought to certify wage and hour claims on behalf of over 500 delivery drivers. Sue, Nick, and David persuaded the Court that the drivers' claims were not suitable for class treatment. As a result, the plaintiffs can no longer pursue claims against our client on a class wide basis.

**David Gurnick** (Certified Specialist in Franchise & Distribution Law) and **Matthew J. Soroky** represented an out of state telephone company that was sued in California. A distributor claimed its agreement with our client was an illegal franchise. In an five day hearing with numerous witnesses, David and Matt demonstrated to a panel of arbitrators that the relationship was not a franchise. The panel ruled unanimously in our client's favor and also ruled our client will be permitted to recover attorney fees and costs of the arbitration.

**Vanessa Soto Nellis** (Certified Family Law Specialist) represented a client in contesting a Marital Settlement Agreement (MSA) and date of separation for the parties. The highly contested divorce became seriously complicated by an initial petition for dissolution which was never finalized, followed by the birth of another child and resumption of marital relations and family activities. After a 15 day trial, Vanessa and her team succeeded – the Court found for our client regarding the MSA and the later date of separation.



**David Gurnick** commenced an arbitration on behalf of a public company that manufactures industrial products, distributed globally, against a terminated distributor located in a U.S. Territory. The distributor had threatened and subsequently brought litigation in the territorial court. David is working with the client's local counsel in the territory to have the litigation stayed so that arbitration of the client's claims can proceed in Los Angeles.

**Melissa L. Mayer** (Family Law Certified Specialist) obtained a significant attorney fee award for her family law client over the strong objection of opposing counsel.

**Tal Grinblat** worked with a self-storage business client to remove third party internet listings erroneously identifying the business as an e-disposal site – our client continuously found electronic waste on the property. Tal's cease and desist letter to the third party resulted in a cessation of these unwanted drop-offs, eliminating our client's costs in disposing of the waste.

**Nicole Kamm** represented a small employer who faced a claim of wrongful termination in violation of public policy. The plaintiff demanded over one year of wages, but Nicole negotiated a much more reasonable settlement.

**Barry Kurtz, Matthew J. Soroky, Katherine L. Wallman** and **Taylor M. Vernon** are preparing Franchise Disclosure documents for various clients in the fitness industry. The franchisors are expanding brand awareness and operations for children's indoor playgrounds, indoor rock climbing facilities, a yoga business and other health-related businesses.

**Veronica R. Woods** was able to convince the Court that after our client's passing, the case is abated – depriving the Court of jurisdiction to make further orders. Opposing counsel brought a motion seeking the case to remain open with an executor.

**Sue M. Bendavid** and **Tal Burnovski Yeyni** represented an employer who allegedly failed to pay minimum wage, overtime pay, and reimbursements for meal and rest breaks. The former employee demanded five figures in compensation, but Sue and Tal resolved the matter for less than a quarter of the demand. In a separate matter, a former employee of another client demanded a low four-figure sum for pay stub and sick leave violations. Sue and Tal resolved this claim for less than half the amount demanded.

**Vanessa Soto Nellis** expedited a finalized prenuptial agreement for a couple who decided to move up their wedding date by a month. The prenuptial agreement worked to protect the assets one of the parties who is nearing retirement.

**Keith T. Zimmet** represented our client in the sale of substantially all of its assets to a nationwide company. The complex transaction involved counsel and other professionals from numerous states, and resulted in an all cash payment to our client.

**Veronica R. Woods** represented our client in a parentage action resulting in our client receiving a large amount of monthly child support from the opposing parent classified to be an extraordinary high income earner. Our client also retained her sole legal and sole physical child custody status.

**Barry Kurtz, Matthew J. Soroky** and **Katherine L. Wallman** are working with a number of clients with leak detection, solar panel manufacturing and installation, and optical businesses – to prepare and register their respective Franchise Disclosure Documents.

**Sue M. Bendavid** and **David Gurnick** are working with a company and its board of directors in investigating cross-allegations of harassment and misconduct among senior executive officers.

**David B. Bobrosky** met with a prospective client and decided that the matter was too small for our firm to handle, and advised the client to go to small claims court. David worked with the client *pro bono* by filing the complaint, putting together exhibits for the hearing, and preparing the client for the hearing. The claim, against a national retailer, was contested at the hearing. Our client prevailed, receiving the maximum amount of \$10,000 plus costs. This serves as another reminder that the small claims route is sometimes the best option for the small cases.

**Veronica R. Woods** gave a presentation to the Los Angeles Paralegal Association on the topic of How Domestic Violence and Substance Abuse Affect Support and Custody in Family Law Matters.

**David Gurnick**, representing our client sued for defamation, persuaded the court to dismiss the claim based on the statute of limitations. The plaintiff argued he only recently discovered the defamation. David pointed out the allegation concerned statements on the internet. Our client denied ever making the alleged statement, but it had been published far enough back in time that the claim was barred by the statute of limitations.

## PUBLICATIONS & MEDIA MENTIONS

### **Bankruptcy Handbook for Franchisors and Franchisees**

(American Bar Association Treatise)  
Chapter 6: *Intellectual Property Issues*  
**David Gurnick**, co-author

### **Valley Lawyer**

(San Fernando Valley Bar Association)  
*A-B-C Test Not as Easy as 1-2-3 for California Businesses*  
**Sue M. Bendavid**, co-author

### **Franchise Law Journal**

(American Bar Association)  
*Unconscionability in Franchising*  
**David Gurnick & Samuel C. Wolf**, authors

### **Valley Lawyer**

(San Fernando Valley Bar Association)  
*Gas Station Franchises: Federal and California State Regulations*  
**David Gurnick & Matthew J. Soroky**, authors

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

*California Labor and Employment - A Roundtable Discussion*  
**Sue M. Bendavid**, participant

### **KPCC: Air Talk with Larry Mantle**

*Implicit Bias: Starbucks temporarily closing 8,000 stores for employees' discrimination training*  
**Sue M. Bendavid**, participant

### **The Northern California Record**

*Indio, Coachella Aren't the Only Places Where Code Violations Can Lead to Huge Legal Bills, Lawyer Says*  
**John B. Marshall**, quoted

### **KPCC: Air Talk with Larry Mantle**

*Power in numbers? Or confidential black hole? A new website that connects sexual assault victims in the workplace*  
**Sue M. Bendavid**, participant

### **The Los Angeles Times**

*Visits by ICE Spooking California Businesses, Workers*  
**Sue M. Bendavid**, quoted

### **KPCC: Air Talk with Larry Mantle**

*California Legislature: The Latest on the Mendoza Investigation and More*  
**Sue M. Bendavid**, participant

### **Valley Lawyer**

(San Fernando Valley Bar Association)  
*Product Liability Litigation Tests Jurors' Perspectives*  
**Andrew L. Shapiro**, author