

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

818.990.2120

www.lewithackman.com

16633 Ventura Boulevard
Eleventh Floor
Encino, California 91436

Complimentary Seminar:

Family Business: Business & Estate Planning Techniques will be presented Wednesday, April 30th, by **Kevin E. Rex** and **Kira S. Masteller**. A light breakfast will be served and attendees may earn MCLE or CPE credit. To RSVP, contact Chris Podbielski: 818.907.3271; cpodbielski@lewithackman.com.

APRIL 2014

Recent Professional & Community Accomplishments

Tal Grinblat has been named a *2014 Legal Eagle*. Tal was nominated by his peers and then selected for the distinction by the editorial board of the *Franchise Times*. The publication honored the selectees in the April edition.

Michael Hackman, a Certified Specialist in Tax Law (State Bar of California Board of Legal Specialization) and **Kira S. Masteller** worked with clients who had a considerable income tax event due to the sale of a very successful business, by creating a charitable remainder trust that pays income to our clients during their lives, and ultimately will be distributed to numerous charities upon their deaths. The income tax savings and estate tax savings of the charitable donation were significant.

Barry Kurtz and **Bryan H. Clements** of our Franchise & Distribution Practice Group have been invited to speak at the *Craft Brewers Conference and BrewExpo America*, the largest brewer's trade show in America, in April. Barry and Bryan represent craft brewers in distribution and related transactions. Hundreds of beer makers will attend the conference.

Keith T. Zimmet and **Barry Kurtz** counseled a client through a major post-bankruptcy refinancing. The transaction involved a large, multi-location franchisee of a nationally known fast food restaurant chain. In addition to refinancing existing debt, the transaction provides additional capital for our client to expand into new locations over the next several years.

Paul C. Bauducco settled a case against a client on a written guarantee of a commercial lease for less than half of the client's potential liability, thus saving the client tens of thousands of dollars in fees and costs by avoiding trial.

David Gurnick and **Stephen T. Holzer** obtained a temporary restraining order and then a preliminary injunction for a quick service restaurant franchisor, requiring a terminated franchisee to stop operating at two restaurants, and transfer the assets and phone numbers to our client.

Andrew L. Shapiro, **Thomas Cecil** & **David B. Bobrosky** obtained a multiple six figure settlement for a client who was hit by a vehicle while crossing the street in an electric wheelchair. The driver of the car, while looking to the left for oncoming traffic, accelerated to turn right, thus striking our client and causing serious injuries.



Sue M. Bendavid successfully defended our client against several claims for waiting time penalties. The

Labor Commissioner entered an award in favor of our client, who then used the Decision to show other possible claimants their demands are unreasonable.

Nicholas Kanter and **Hannah Sweiss** successfully obtained a dismissal of a lawsuit arising from a non-judicial foreclosure sale. Nick filed a demurrer arguing the lawsuit lacked merit. The Court agreed, but granted plaintiffs leave to file an amended complaint. When the plaintiffs failed to amend, Nick and Hannah filed a motion to dismiss the complaint with prejudice. Plaintiffs opposed the motion, but Hannah convinced the judge to reject plaintiffs' arguments and enter judgment for our client.

Nicole Kamm advised a tech-based client in analyzing duties and criteria for classifying a worker as an intern, to determine how the client can remain in compliance with federal and state wage and hour regulations. Recent class action litigation by interns has made it even more critical for employers to engage in such analysis before engaging any unpaid interns.

Tal Grinblat assisted a clothing designer in seeking cancellation of a competitor's mark in the Trademark Trial and Appeal Board. Tal found that the competitor's mark which was cited against our client was a junior user. The cancellation petition asked the Trademark Trial and Appeal Board to cancel the registration on those grounds. In a separate matter, Tal filed a Letter of Protest against another party's trademark application, alerting the Trademark Office that our client had superior rights in a confusingly similar mark and that the third party's mark should therefore be denied registration.

Vanessa Soto Nellis was able to work with opposing counsel to negotiate a resolution as to the disposition of sales proceeds of the family residence, where a divorcing couple could not agree.

Susan T. Goldstein became "Of Counsel" in our Family Law Practice Group. Susan is a published author penning both fiction and nonfiction works, serves as a family law mediator in Van Nuys and Los Angeles Superior Courts, and as *judge pro tem* in Family Law Court Santa Monica.

Barry Kurtz, Tal Grinblat, Bryan H. Clements and **David Gurnick** have been working with franchisors on updating their Franchise Disclosure Documents to stay in compliance with the Federal Trade Commission's Revised Franchise Rule, and state regulations. The FTC requires an annual accounting of expenditures, computer system requirements, litigation history and other details - all before the end of April, for every franchisor with a December fiscal year-end.

Kira S. Masteller prepared an estate plan for the separate property assets of a husband that he owned prior to marriage and received as gifts during marriage. Upon his death, assets will continue to provide income for his wife, but the principal assets will be distributed to their children and the husband's family upon the wife's death, keeping the separate property assets in the husband's family.

David Gurnick assisted a creative company in demanding that another party remove infringing videos from its website. On receiving David's cease and desist letter, the other side removed the videos and contacted the client to confirm the videos had been removed.

Kira S. Masteller presented *Estate Planning for Digital Assets* for a Continuing Education of the Bar program in San Diego. Kira also participated in the Volunteer Probate Settlement Conference Panel Training Presentation, hosted by the Los Angeles Superior Court.

PUBLICATIONS & MEDIA MENTIONS

American Bar Association Text

Collateral Issues in Franchising - Beyond Registration & Disclosure
contributor: David Gurnick

Valley Lawyer

California's New Uniform Limited Liability Company Act
by Hannah Sweiss

Valley Lawyer

Enforcement of Non-Compete Clauses in California
by David Gurnick

American Bar Association's Franchise Law Journal

Beer Distribution Law as Compared to Traditional Franchise Law
by Barry Kurtz & Bryan H. Clements

SFV Business Journal

Digital Tools Level Playing Field
quoted: Keith T. Zimmet

Los Angeles Lawyer

Cooperatives: California Law Allows for Flexible Application of the Operative Principles
by David Gurnick

SFV Business Journal

Labor & Employment Law Roundtable: What Owners & Executives Need to Know
contributor: Sue M. Bendavid

U.S. News & World Report

Los Angeles Best Law Firms 2014
Lewitt Hackman selected

Los Angeles Magazine

2014 Super Lawyers Selectees:
Michael Hackman, Barry T. Harlan, Andrew L. Shapiro, Barry Kurtz, Sue M. Bendavid, Stephen T. Holzer, Michelle S. Robins, David Gurnick, Tal Grinblat, Lynn Soodik, Kira S. Masteller and David B. Bobrosky were selected.

Gilliot Communications

A Lawyer's Guide to Crisis PR: Protecting Your Clients In & From the Media
Contributor: John B. Marshall