

## 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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**Mid-Year Employment Law Update:** Sue M. Bendavid and Nicole Kamm will discuss the new changes to federal, state and local regulations affecting employers on Wednesday, August 3rd.

**Reconstruction - Knowing Your Rights & Remedies in Real Estate Law:** John B. Marshall and Paul C. Bauducco will present information regarding potential legal pitfalls when expanding or improving real property on Tuesday, August 9th.

Our seminars take place in our Boardroom and are 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@lewittackman.com](mailto:cpodbielski@lewittackman.com).

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## JULY 2016

### *Recent Professional & Community Accomplishments*

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Congratulations to **Vanessa Soto Nellis** (Certified Family Law Specialist) and **Nicole Kamm** (Employment), both selected to the **Up-and-Coming 50 Women Rising Stars** in Southern California by *Super Lawyers Magazine*. **Nicholas Kanter** and **Hannah Sweiss** were also named *2016 Rising Stars* in Business Litigation.

**Nicholas Kanter** represented a client who purchased a property at a non-judicial foreclosure sale. Minutes later, the former owner filed a bankruptcy petition in an attempt to stop the sale. Nick filed a motion for relief from an automatic stay, arguing the sale was valid since it preceded the bankruptcy filing, and title to the sale was perfected pre-petition, even though the Trustee's Deed was recorded post-petition. The Court granted Nick's motion and terminated the automatic stay so our client could obtain possession of the property.

**Kira S. Masteller** is establishing a Member-Managed LLC for children who inherited commercial property from their parents. Our clients wish to protect the property from the beneficiaries' creditors, and to require each child to offer his or her interest first to the Members of the LLC before selling to an outside party.

**Tal Grinblat** (Certified Specialist in Franchise & Distribution Law) was appointed to the State Bar of California's Business Law Section Executive Committee for a three year term commencing in October. Prior to this, Tal served on the Bar's Franchise Law Committee for nine years, including twice serving as Chair. In his new role, Tal will continue to work with the Franchise Law Committee, serving as liaison for the Business Law Section.

**Keith T. Zimmet** represented our client in a major tax-free financing transaction involving the issuance of State of California Revenue Notes, negotiation and coordination with the California Pollution Control Financing Authority, the California Treasurer's Office, and the California Attorney General's Office. In addition, Keith worked with institutional lenders and investment bankers to complete the financing.

**Barry Kurtz** (Certified Specialist in Franchise & Distribution Law) and **Samuel C. Wolf** are working with an international medical spa company to register as a franchise here in the U.S. Additionally, Barry and Sam are representing other clients in development transactions for franchisors in Malaysia, the Middle East and Canada.

**Sue M. Bendavid** and **Nicholas Kanter** prevailed on a motion to compel after the opposing party in a trade secret lawsuit refused to produce documents its expert relied on to prepare a damages analysis. In addition to granting Sue and Nick's motion, the Court ordered the opposing party to pay monetary sanctions to compensate our client for fees incurred.

**Andrew L. Shapiro** of our Personal Injury Practice Group successfully resolved at mediation two separate cases for individuals who had spinal surgery following a low speed impact. Both individuals had a significant history of spinal problems and both were much more susceptible to injury than the average person. The insurance company recognized this and favorably resolved each case well into the six figures.



**Barry T. Harlan** (a Certified Specialist in Family Law) and **Veronica R. Woods** successfully prevailed on a three day hearing

for our client. The opposing party brought a motion requesting child and spousal support and property control. Barry was able to convince the court to deny the opposing party's motion and request for property control, and adopt figures prepared by our forensic accountant, when crafting its order for child and spousal support.

**Tal Grinblat** worked with a client in the health and fitness industry in acquiring a trademark that was blocking our client's applications. The last minute closing occurred the day the client's responses to the Trademark Office were due. Tal helped record the assignment of the mark and responded to the two comment letters – thereby avoiding abandonment of the applications and enabling our client's applications to proceed.

**Sue M. Bendavid** and **Nicholas Kanter** obtained a dismissal, ex parte, of an opposing party's motion that asked the court to disregard a jury verdict. Sue and Nick convinced the court to dismiss the motion based on a jurisdictional defect – saving our client significant legal fees.

**David Gurnick** (Certified Specialist in Franchise & Distribution Law) prepared a pleading to commence legal action and later initiated mediation proceedings for a client who had been sold an unregistered franchise. The licensor agreed to buy back the business. In a separate matter, David and **Samuel C. Wolf** represented a medical doctor in completing the separation of a multi-facility practice following the settlement of litigation against our client's former partner.

**Kira S. Masteller** represents the owners of a small business preparing to transfer ownership to family members and key employees. The transition includes complex gift and estate tax planning as well as income tax planning to achieve the best possible tax consequences while meeting our clients' goals for the future. In another matter, Kira is working with an estate Beneficiary to compel an accounting from the acting Trustee regarding that Trustee's actions for several years of administration.

**David B. Bobrosky** of our Personal Injury Practice Group prevailed on two motions to compel against a national law firm representing a large well-known company. When the law firm refused to make certain employees available for deposition, David filed a motion with the Court. The Court agreed with David and ordered the company to produce employees for deposition within five days. In the same case, David successfully opposed a motion to compel additional information and sanctions from the same defendant.

**Paul C. Bauducco**, **Amy I. Huberman** and **David Gurnick** obtained temporary protective orders against defendants who owe our client more than two million dollars for breach of a Promissory Note and Personal Guaranty. These temporary orders place an immediate lien on the defendants' property for 40 days, while a motion is pending seeking prejudgment writs of attachment that would permit our client to seize assets.

**Nicholas Kanter** and **Tal Burnovski Yeyni** convinced a Court to deny a plaintiff's motion to quash a subpoena seeking evidence concerning plaintiff's purported educational background. In the same matter, the plaintiff also refused to answer questions in deposition. The Court granted Nick and Tal's motion to compel the plaintiff to do so, providing our grocer client with a major victory at this stage of the discrimination and wrongful termination litigation.

**David Gurnick** represented a client who was being repeatedly harassed at a local fitness center, despite a restraining order obtained by our client. David enlisted the aid of a government official who intervened with the gym's management to prevent further incidents.

**Thomas Cecil** of our Personal Injury Practice Group defeated a Motion for Summary Judgment by a homeowner in a sidewalk trip and fall case. After defeating the Motion, Tom successfully resolved the case against the homeowner and City.

**Barry Kurtz**, **Tal Grinblat** and **David Gurnick** attended the annual Legal Symposium of the International Franchise Association in Washington D.C. IFA is the leading trade association and lobbying organization for the interests of franchisors and franchisees. A week later, the CEO and President of IFA visited our offices and spoke with our franchisor and franchisee clients regarding IFA initiatives and problems of joint employer liability.

Law students **Jasmine Aarabi**, **David Carnie** and **Jason Shamtoob** have joined our 2016 Summer Associate program. They have been assisting our attorneys in a variety of matters, attending court and other legal proceedings, participating in selected activities of the San Fernando Valley Bar Association, writing articles to be published in a magazine for lawyers, giving oral presentations on legal topics, and learning the workings of our law firm – thus supplementing their formal law school education and providing invaluable hands-on experience.

We are pleased to announce that **Kyla A. Johanson** joined our firm as an Associate in our Corporate, Real Estate and Trusts & Estate Planning Practice Groups. Kyla earned her Juris Doctor and a Certificate in Alternative Dispute Resolution from Pepperdine University School of Law. She is also licensed to practice law in the state of Washington.

## PUBLICATIONS & MEDIA MENTIONS

**The Franchise Law Journal**  
(American Bar Association)  
*Technical Terms for Comparative Trademark Analysis*  
**David Gurnick**, author

**The Business Journals**  
*Guidelines When Considering Buying a Franchise*  
**Barry Kurtz**, contributor

**SFV Business Journal**  
*Labor and Employment Roundtable: What Employers Need to Know*  
**Sue M. Bendavid**, panelist

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*Music Publisher Caught in Birthday Suit Agrees to Settle*  
**Tal Grinblat** and **Nicholas Kanter**, co-authors

**The Franchise Times**  
*2016 Legal Eagles*  
**Tal Grinblat**, selected

**Super Lawyers Magazine**  
*2016 Top Attorneys and Southern California Super Lawyers*  
**Paul C. Bauducco**, Litigation  
**Sue M. Bendavid**, Employment  
**David B. Bobrosky**, Personal Injury  
**Tal Grinblat**, Franchise  
**David Gurnick**, Franchise  
**Michael Hackman**, Tax  
**Barry T. Harlan**, Top 100 Attorneys in Southern California & Family Law  
**Stephen T. Holzer**, Environmental  
**Barry Kurtz**, Franchise  
**Kira S. Masteller**, Trusts & Estates  
**Michelle S. Robins**, Family Law  
**Andrew L. Shapiro**, Personal Injury  
**Lynn Soodik**, Family Law

**SFV Business Journal**  
*Chain Offers Slice: PizzaRev in Growth Mode*  
**David Gurnick** quoted

**Business Edition: Super Lawyers**  
*Nation's Top Attorneys in Business*  
**Michael Hackman**, Tax  
**Sue M. Bendavid**, Employment  
**Stephen T. Holzer**, Environmental

**LA Business Journal**  
*Eateries Fed Up: Joan's on Third*  
**Barry Kurtz** quoted

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*Online Negativity: Fighting Back*  
**Tal Grinblat**, **David Gurnick** and **Nicholas Kanter**, co-authors