

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.lewitthackman.com

16633 Ventura Boulevard

Eleventh Floor

Encino, California 91436

Mid-Year Employment Law Update 2017: Sue M. Bendavid and Nicole Kamm will provide a mid-year employment defense seminar regarding litigation trends and legislative changes on Thursday, June 29th. The presentation will take place in our Boardroom, and is complimentary for our clients and friends. Attorneys, accountants and HRCI members may earn continuing education credits. We will validate parking and a light breakfast will be provided. To RSVP, e-mail cpodbielski@lewitthackman.com.

JUNE 2017

Recent Professional & Community Accomplishments

Paul C. Bauducco and **John B. Marshall** prevailed on multiple discovery motions before a discovery referee on behalf of our client, obtaining orders that the opposing party produce material information necessary to prepare for mediation and, if the case does not settle, trial.

Tal Grinblat initiated an opposition proceeding to an internationally known tech giant's trademark application in Australia. Working with local counsel, Tal succeeded in limiting the Fortune 500 company's trademark application, based on our client's earlier, established right in the identical mark. This result vindicated our client's rights to use the mark and paved the way for the client's mark to proceed to registration in Australia.

Kira S. Masteller represented an out-of-state client in establishing a Supplemental Needs Trust benefitting her disabled adult brother living here. In establishing the Trust, Kira worked with the client to name a California Corporate Trustee in the event the beneficiary outlives the individual Trustees. Additionally, the Trust will allow the brother's inheritance to provide a better quality of life for him without disqualifying him from public assistance.

Barry Kurtz (Certified Franchise & Distribution Law Specialist) worked with a child care franchise client to develop master franchise agreements for the United Arab Emirates, Saudi Arabia and Australia. In other matters, Barry developed a master franchise agreement for a yogurt franchisor selling franchises in Kuwait and Nevada.

Nicole Kamm and **Amy I. Huberman** saved our client from undergoing Labor Commissioner scrutiny on the very day of a scheduled hearing. At the eleventh hour, Nicole and Amy settled the matter with the plaintiff – a caregiver who brought wage and hour claims against her employer.

Kevin E. Rex worked closely with our client to negotiate the sale of their privately held, family owned business for over \$70,000,000. The purchaser was looking for a platform company to complement their current business. Our client had offices in multiple states and was an ideal add-on, growth target for the purchaser. **Kyla A. Parrino** assisted Kevin throughout the due diligence and negotiations process.

Sue M. Bendavid, Nicholas Kanter and **Tal Burnovski Yeyni** obtained a dismissal with prejudice of a wage and hour lawsuit filed against our client. Prior to filing the lawsuit, the plaintiff entered into a settlement with the client in a proceeding before the Workers Compensation Appeals Board. Sue, Nick and Tal filed a demurrer to the wage and hour complaint, arguing that the Workers Comp settlement agreement barred the wage and hour claim. The court agreed and sustained the demurrer without leave to amend.

David Gurnick (Certified Specialist in Franchise & Distribution Law) represented a client who was sued by an out-of-state franchisor for allegedly interfering in a franchise relationship. Our client's ex-spouse died suddenly, leaving our client to continue business operations to benefit the couple's children. Because of the claim, our client let the franchisor take over the troubled business, but with David's assistance, resisted heavy-handed litigation and settlement demands. The opposing side then dismissed its lawsuit without obtaining further relief.

Andrew L. Shapiro represented a musical celebrity who suffered injuries in a trip-and-fall case. Our client fell on a dangerous step. The accident resulted in surgery to her ankle and effectively postponed her musical tour for about two months. Andy helped our client reach a generous settlement without all of the negative publicity that would have been generated in litigation.



Michael Hackman (Certified Specialist in Tax Law) and **Kira S. Masteller** worked with clients to prepare a Tenant in Common Agreement (TIC) for joint owners of real estate who did not want the formalities or expense of an LLC. Using a Fictitious Business Name and the TIC allowed our clients to easily manage rental income and expenses through this cost effective management of the Property.

Nicholas Kanter and **Amy I. Huberman** successfully defended a client whose former independent contractor brought a claim for missed meal breaks and waiting time penalties to the Department of Labor Standards Enforcement. When our client prevailed at the DLSE hearing, the Plaintiff appealed to the Superior Court. Nick and Amy's successful defense at trial won a verdict for our client.

Veronica R. Woods jointly represented a client whose spouse sought the maximum length of a five-year restraining order against our client. Veronica was able to have the term reduced significantly.

Barry Kurtz handled the franchise matters in a client's purchase of 20+ existing fitness franchises in a national franchise system. Similarly but in a separate matter, Barry represented a client in purchasing the assets of two home care franchises for a client who will become a franchisee of a national home care franchisor.

Kira S. Masteller prepared a Simple Revocable Transfer of Death Deed for an individual who has a very simple estate, one home and one bank account, and one beneficiary. The Simple Revocable Transfer on Death Deed allows for the real property to be transferred without a Trust or a probate administration to the beneficiary. Additionally, our client will be able to change or revoke the deed if she changes her mind or if circumstances change.

Nicole Kamm and **Amy I. Huberman** settled a lawsuit brought by an employee of our client for disability discrimination, wrongful termination, intentional infliction of emotional distress, and other claims, against a small business owner. Nicole and Amy were able to obtain a full waiver of all known and unknown claims for a fraction of the employee's initial demand.

David Gurnick and **Samuel C. Wolf** obtained favorable court rulings showing that several provisions of a business agreement were unconscionable and unenforceable. David and Sam showed the court that the parties were in an imbalanced relationship in which a publicly traded company took advantage of our client. The agreement was over 100 pages of pre-printed small type, was presented on a take-it-or-leave-it basis without meaningful negotiation, and the challenged provisions were unduly harsh, shocking and unfair.

David B. Bobrosky of our Personal Injury Practice Group obtained a six figure settlement for a client who suffered soft tissue injuries when his car was rear-ended on New Year's Eve. The settlement was significant because the injuries were relatively minor, requiring only six months of physical therapy, no significant medical procedures, and no long-term residual complaints. The settlement was also significant because the matter was resolved to our client's satisfaction before initiating litigation, i.e., the process of negotiating, taking depositions, engaging expert testimony, undergoing medical exams etc. The litigation process before an actual trial can take several months to several years.

John B. Marshall and **Veronica R. Woods** collaborated to secure a \$9 Million private loan for a client going through a divorce, in record time, and without a court order to do so. The loan enables our divorcing client to proceed with the sale of the couple's home, thus facilitating a faster division of assets. Normally, such private loans may take several months to be approved – John and Veronica were able to get the process finalized in a couple of weeks.

Nicholas Kanter and **Hannah Sweiss** persuaded a plaintiff in a PAGA suit to dismiss overtime claims alleged against our logistics company client based on an exemption applicable to commercial drivers transporting goods in interstate commerce. Following the dismissal of the overtime claims, Nick and Hannah were able to resolve the entire case for a fraction of plaintiff's initial demand.

Kevin E. Rex worked with a client and his accountant to prepare a shareholder agreement and succession plan for our client's business.

Barry Kurtz registered franchises for a client developing a sports instruction system for in-school and after-school athletics programs, sports clinics and camps. For another client, Barry handled the registration for a pharmacy franchisor.

Sue M. Bendavid provided sex harassment, discrimination and bullying prevention training for numerous clients and their supervisors. The two hour training is mandated by California law for employers with 50 or more employees, and must be provided every two years. Sue has also been speaking for business organizations throughout the San Fernando Valley and beyond, regarding the latest changes to California employment law, particularly in regard to criminal background checks, sick time, and varying minimum wage rates.

PUBLICATIONS & MEDIA MENTIONS

KHTS Radio AM 1200

SCV Business Chamber Spotlight with Fred Arnold

Sue M. Bendavid interview

Franchise Law Journal

(American Bar Association)

Teaching Franchise Law in Law Schools

David Gurnick, co-author

Valley Lawyer

(San Fernando Valley Bar Association)

The Evolution of the Private Attorneys General Act 2004

Hannah Sweiss, author

San Fernando Valley Business Journal

Curious Practices

Kira S. Masteller quoted

Courthouse News Network

Labor Secretary Nominee's Company Hit With Antitrust Class Action

David Gurnick quoted

Super Lawyers

2017 SoCal Super Lawyers

Paul C. Bauducco (Business Litigation)

Sue M. Bendavid (Employment)

David B. Bobrosky (Personal Injury)

Tal Grinblat (Franchise & Dealership)

David Gurnick (Franchise & Dealership)

Michael Hackman (Tax)

Stephen T. Holzer (Environmental)

Barry Kurtz (Franchise & Dealership)

Kira S. Masteller (Estate & Probate)

Andrew L. Shapiro (Personal Injury)

Lynn Soodik (Family Law)

The Los Angeles Times

Buy a Home Now, Move in After the Seller Dies

Kira S. Masteller quoted

The Practical Lawyer

(American Law Institute)

How to Lead Your Clients to the Purchase of a Franchise

Barry Kurtz, author

SFV Business Journal

Employment & Labor Roundtable

Sue M. Bendavid, participant

Valley Lawyer

(San Fernando Valley Bar Association)

Post Prop 64: Keeping Employees Off the Grass

Amy I. Huberman, author

Extra TV

Will Brad Pitt be Prosecuted for Private Jet Incident?

Lynn Soodik interview