



September, 2011

Firm Seminars:

Lewitt Hackman presents complimentary seminars in our Board Room for clients and friends on a variety of legal topics. **John B. Marshall** and **Keith T. Zimmet** will present "Real Estate Foreclosures" on October 12, 2011. A light breakfast will be served and attorneys may earn one hour of CLE credit. RSVP to Chris Podbielski: cpodbielski@lewitthackman.com, 818.907.3271.

Upcoming Deadlines:

November 14: Most employers are required to display a new poster to advise employees of their rights to organize under the National Labor Relations Act. Please call **Sue M. Bendavid** if you need more information regarding this or other compliance posters.

November 15: You should consider filing IRS Form 8939 by this date if you had a family member pass away in 2010. Call **Michael Hackman**, **Kira S. Masteller** or **Robert A. Hull** in our Tax and Estate Planning Department for more information regarding potential estate tax benefits of filing this Form 8939.

Recent Professional & Community Accomplishments:

- **Keith T. Zimmet** negotiated a sublease and subsequent assignment for a tenant under a long-term ground lease. Keith previously negotiated the original ground lease and guided our client through the process of obtaining numerous government approvals for development. Several parties then approached our client to acquire the company's interest in the ground lease and development rights. Keith also coordinated approvals from lenders, the landlord, and local government agencies, and negotiated the various financing documents for the multi-stage transaction.
- **Paul C. Bauducco** successfully brought a motion to compel a Fortune 500 Company to produce a witness for deposition in a negligence and breach of fiduciary duty case, over the objections of its counsel. The company tried to avoid producing the material witness, and then asserted that the deposition should be held in Minneapolis, at our client's expense. Paul persuaded the Judge to order the Minneapolis-based company to present the witness to be deposed here in California, which saved our client significant sums in litigation costs.
- **Sue M. Bendavid** obtained a complete dismissal of all claims by the Labor Commissioner's Office when an independent contractor couple filed claims against a Firm client, asserting they were employees entitled to unpaid wages and waiting time penalties exceeding \$100,000. In another matter, the Equal Opportunity Commission dismissed a race and sexual discrimination charge against a client, after reading a position statement Sue prepared for the case.





- **Paul C. Bauducco** assisted a contractor client in collecting over \$300,000 in sums due in the construction of a large commercial project.
- **Kira S. Masteller** helped a trust beneficiary obtain his parents' home as part of his share of the trust estate. Kira negotiated the value of the property, the terms of the transfer, and the equalization of assets for the other trust beneficiaries, while keeping the parents' property tax base via the parent child transfer exclusion. Kira also assisted the client in obtaining financing to fund the asset equalization process.
- **Barry T. Harlan** and **Vanessa Soto Nellis** persuaded a judge in a very contentious custody matter to modify a couple's agreed 50/50 custody arrangement. Based on Barry and Vanessa's arguments, our client was awarded primary, physical custody of his teenage son. The court decided that the custody change was in the best interest of the child.
- **Kevin E. Rex** is currently working with several clients in connection with the potential sale of their businesses, and with one client in connection with the purchase of a competing company. Additionally, Kevin closed a transaction whereby an LLC client forced another member of the entity to buy the client's interest at a favorable price by exercising a put right.
- **David Gurnick** represented an importer in settling federal court litigation against a Chinese manufacturer, in a claim for defective merchandise. In another matter, David advised a nationwide service company on structuring license agreements to lawfully avoid franchise status and the subsequent costs of franchise registration and disclosure compliance.
- **Stephan Mihalovits** helped a client preserve rights to bring a claim against a public entity, whose actions contaminated the client's property with harmful substances. Although the statute of limitations expired as to the entity, Steve helped develop a legal argument that allowed the claim against the public entity to proceed.
- **Sue M. Bendavid** obtained favorable rulings in a variety of charges filed by a single, disgruntled employee. The individual first sought unemployment insurance benefits from the Employment Development Department, claiming he was forced to quit because of racial discrimination. He later filed wage claims with the Labor Commissioner, asserted 401k violations with the Department of Labor and even filed a civil action in small claims court. The client hopes that such favorable resolutions will deter the individual from making further claims.
- **Vanessa Soto Nellis** resolved a disputed custody matter in which the parents could not agree on medical decisions for their child. Vanessa helped the client obtain a court order for sole medical decision making authority. In another matter, Vanessa settled a dispute between parents regarding the school their child would attend, by providing legal authority to school administration and explaining the court order to them.
- **David Gurnick** represented a reseller of a prominent clothing brand, in settling a claim from Bank of America on a defaulted loan. The settlement extended the client's time for loan repayment. In another matter, David helped a client solve a problem in which franchisees were competing in each other's exclusive territories.
- **Kevin E. Rex** and **Robert A. Hull** assisted a client in purchasing the entire membership interest of another member in an LLC.