

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

2017 Year-End Tax Planning - Do We Have Tax Reform? Michael Hackman and Kira S. Masteller will present a 90 minute seminar Tuesday, December 5th in our Boardroom. Attorneys and Accountants may earn continuing education credits, and a light breakfast will be provided. Further information provided on the Events page of our website.

NOVEMBER 2017

Recent Professional & Community Accomplishments

Congratulations to **Michael Hackman**, who received a five-year recertification as a Specialist in Tax Law from the State Bar of California Board of Legal Specialization. Mike has been certified since 1977, and is required to participate in rigorous continuing education regarding tax law to maintain his Tax Specialist designation.

Kira S. Masteller had a Trustee removed and replaced because of incompetence and negligence. Our clients had not received a report or accounting in over four years. Additionally, the Trust was not distributed to the beneficiaries even though the surviving parent of the Trust passed in 2011. Kira's arguments convinced a Court to remove the Trustee and deny his fees. The Trustee's share of Trust distributions will be surcharged due to the costly consequences of his actions.

David Gurnick (Certified Specialist in Franchise & Distribution Law) and **Sue M. Bendavid** advised a franchisee client regarding employment and franchise issues arising from social relationships among personnel of the company.

Nicole Kamm and **Hannah Sweiss** obtained final approval of a class action settlement in a 900+ member wage and hour class action brought against our client, a large presence in the real estate industry, after several years of litigation and settlement administration. The Court approved the settlement, which included partial reversion to our client.

David Gurnick and **Stephen T. Holzer** defeated an opponent's petition to compel arbitration – a normally daunting challenge because public policy favors sending disputes to arbitration if the parties' agreement to arbitrate can be applied to the dispute. David and Steve convinced the Court the arbitration agreement did not apply under the circumstances.

Paul C. Bauducco successfully brought a demurrer and motion to strike against a First Amended Complaint in a construction defect case, striking a cause of action and reducing the Plaintiff's nearly seven figure damage claims by two-thirds.

Barry Kurtz (Certified Specialist in Franchise & Distribution Law) and **Kevin E. Rex** are reviewing a Private Placement Memorandum for a client that may purchase an equity interest in its franchisor, as well as becoming a franchisee.

Vanessa Soto Nellis (Certified Specialist in Family Law) worked with a client to reach an agreement with his ex-spouse as to how sales proceeds from the former family residence should be equitably divided. In a separate matter, Vanessa represented a client to set forth the financial and property terms for their non-marital relationship.

Tal Grinblat and **Paralegal Kelly D'Angelo** succeeded in overcoming three difficult refusals by a trademark examiner that initially claimed our client's marks were too descriptive. Overcoming the examiner's objections paved the way for our client's applications to proceed. On a different matter, Tal negotiated a co-existence agreement with a company whose registration was blocking our client's trademark for a retail store. With the consent agreement, Tal convinced the Examiner to lift the refusal and approve the client's mark for publication.

Sue M. Bendavid and **Amy I. Huberman** successfully obtained a three-year permanent restraining order against a former employee of our client. The former employee voluntarily resigned, but then threatened to burn the business down and made other menacing remarks. After a full hearing on the restraining order, including testimony from our client and the former employee, the Court took little time to issue the permanent restraining order in our client's favor.



Nicholas Kanter obtained an order remanding a case improperly removed from superior court to federal court. The defendant in the action removed an unlawful detainer case in order to delay the firm's client from obtaining possession to its property. Nick's remand motion demonstrated the state action did not involve a federal question despite the defendant's alleged affirmative defense under the *Protecting Tenants at Foreclosure Act*.

Sue M. Bendavid represented several clients in fact-intensive pre-litigation mediation proceedings in high stakes employee claims. This enabled our clients to resolve the claims on favorable terms in a few short weeks rather than through prolonged multi-year litigation which could have resulted in the clients being forced to consider bankruptcy. In addition to saving time, such alternative dispute resolution methods saved potentially hundreds of thousands in potential exposure, court costs, discovery expenses and fees.

David Gurnick represented a client in negotiating terms for an investment company to purchase the client's interest in the company. The terms included the client retaining a position as chair of the board of directors of a business in which the company managed an investment. In a separate matter, David advised in-house-legal counsel at a prominent company on aspects of possibly converting to become a cooperative.

Hannah Sweiss saved a logistics client tens of thousands of dollars after disputing the client's worker's compensation audit.

Tal Grinblat worked with a financial services client in expanding operations into Canada. In addition, Tal negotiated several agreements with a multitude of parties to allow our client to provide consulting and other services. In another matter, Tal Grinblat and **Paralegal Kelly D'Angelo** sent a cease and desist letter to a company in the Bronx that was blatantly using our franchise client's intellectual property without permission. Tal and Kelly succeeded – the copyright infringer stopped using the client's video and marks, and removed the content from the Bronx company's website.

Vanessa Soto Nellis consulted with a client participating in a mediation to modify child support orders. Such post-judgement modifications are possible after a divorce is finalized, given a specific set of circumstances.

Sue M. Bendavid provided sex harassment, discrimination and bullying prevention training for nearly 100 supervisors of a nation-wide staffing/temp service company. The two hour training is mandated by California law for employers with 50 or more employees, and must be administered every two years.

Nicole Kamm and **Hannah Sweiss** resolved a matter for a residential property owner facing multiple wage and hour claims by a former apartment manager. Among other claims, the manager claimed to be working all hours while on the property premises. Nicole and Hannah succeeded in significantly reducing the claims and associated fees.

Barry Kurtz and **Matthew J. Soroky** reviewed Franchise Disclosure Documents for two different clients who are considering purchases of an auto services franchise, and an indoor trampoline business.

Kira S. Masteller is setting up a family limited partnership for a couple who desires to transfer gifts to grandchildren over time to reduce their taxable estate and to involve their grandchildren in the family property management business. The grandparents will lower their income taxes, remove assets from their estate so that the future growth of those assets will not be estate taxed, and their grandchildren will have income to utilize to pay for their higher education, health and living expenses.

Barry Kurtz, Tal Grinblat and **David Gurnick** (all Certified Specialists in Franchise and Distribution Law), **Samuel C. Wolf, Matthew J. Soroky** and **Katherine L. Wallman** attended the American Bar Association's *40th Annual Forum on Franchising*. Four of our franchise and intellectual property paralegals also attended, including **Caitlyn Dillon, Marianne Toghia, Kelly D'Angelo** and **Peggy Karavanich**. The three day conference consisted of education programs and networking events to keep legal professionals up to date on the latest transaction and litigation concerns affecting both franchisor and franchisee clients.

Vanessa Soto Nellis, Melissa L. Mayer (both Certified Specialists in Family Law) and **Veronica R. Woods** attended the Los Angeles Bar Association's annual officer installation gala.

Tal Grinblat and **David Gurnick** attended *Franchise Expo West* in Los Angeles, a convention showcasing over 200 franchisors. Tal and David met with franchisors, licensors, distributors, and potential franchise buyers. Our firm, on behalf of the Franchise and Distribution Practice Group, co-sponsored an after-hours networking event – a bowling and cocktail party at Lucky Strike.

Vanessa Soto Nellis attended CalCPA Foundation's Family Law Conference, a day-long symposium focused on complex divorce issues related to business. The presentations covered topics such as business valuation and apportionment, quantifying complex income streams and understanding how best to tackle hearsay and evidentiary hurdles.

PUBLICATIONS & MEDIA MENTIONS

Corporate Counsel

Should Uber's Salle Yoo Have Taken Earlier Look at Due Diligence Report?
David Gurnick, quoted

Valley Lawyer

(San Fernando Valley Bar Association)
Social Media and Common Ethical Problems (MCLE feature)
Katherine L. Wallman, author

Corporate Counsel

Why Was Uber's Deal With Otto Out of the Ordinary?
David Gurnick, quoted

Business Law Section e-Bulletin

(State Bar of California)
Franchising by Duress
Matthew J. Soroky, author

Valley Lawyer

(San Fernando Valley Bar Association)
Acquiring a Business: Ins and Outs
Kyla A. Parrino, author

Business Law Section e-Bulletin

(State Bar of California)
Beware the Entrepreneurial Landlord
Matthew J. Soroky, author

Valley Lawyer

(San Fernando Valley Bar Association)
Expert Witnesses: Who They Are and How to Vet Them
Vanessa Soto Nellis quoted

Los Angeles Daily Journal

New Accounting Rule May Lower Perceived Value of Franchisors
Barry Kurtz, author

Valley Lawyer

(San Fernando Valley Bar Association)
Confusing Trademarks: The Next Course of Action
Tal Grinblat, author

SFV Business Journal

Business Roundtable: How You Can Avoid Traps in New Labor and Employment Laws
Sue M. Bendavid, participant

KHST Radio AM 1200

Santa Clarita Valley Business Chamber Spotlight with Fred Arnold
Sue M. Bendavid, guest

Franchise Law Journal

(American Bar Association)
Teaching Franchise Law in Law Schools
David Gurnick, co-author