



## 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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## FEBRUARY 2019

### Recent Professional & Community Accomplishments

Congratulations to our **2019 Southern California Super Lawyers**, including: **Keith T. Zimmet** (Business/Corporate); **Andrew L. Shapiro** and **David B. Bobrosky** (Personal Injury Plaintiff); **Sue M. Bendavid** and **Nicole Kamm** (Employment & Labor); **Barry Kurtz**, **David Gurnick** and **Tal Grinblat** (Franchise/Dealership); **Stephen T. Holzer** (Environmental); **Kira S. Masteller** (Estate Planning & Probate); and **Vanessa Soto Nellis** and **Lynn Soodik** (Family Law). To be selected, our attorneys were first nominated by other lawyers and then subjected to a 12-point peer review process.

**John B. Marshall** and **Paul C. Bauducco** represented a client in a litigation matter involving our client's sale of a surgery center. John and Paul obtained a large settlement for our client, in addition to saving him the costs of going to trial.

**Nicole Kamm** engaged in an extensive attorney-to-attorney negotiation with opposing counsel to resolve an alleged wrongful termination and disability discrimination claims against our client. Nicole successfully obtained a full release of all claims in exchange for a nominal settlement. The outcome saved our client thousands in potential attorneys' fees and costs, as well as the time and stress of a burdensome litigation.

**Tal Grinblat** and **Katherine L. Wallman** prepared several Digital Millennium Copyright Act (DMCA) notices to infringers who disseminated a publishing client's works electronically without our client's permission. Tal and Kate's actions led to the removal of the infringing material.

**Kira S. Masteller** is preparing a charitable remainder trust for clients who wish to make a charitable gift. The clients wish to gain an income tax deduction benefit and reduce capital gains tax when the principal securities are sold through the charitable trust.

**Keith T. Zimmet** finalized agreements regarding the development of a regional shopping center, including negotiating terms involving various owners who will be developing buildings on individual lots within the shopping center. In a separate matter, Keith guided our client through the restructuring of its principal debt obligations.

**Vanessa Soto Nellis** (Certified Family Law Specialist) represented a son in a postnuptial agreement to protect a house purchased for him by his mother.

**Barry Kurtz** and **David Gurnick** (both Certified Specialists in Franchise & Distribution Law), **Matthew J. Soroky** and **Taylor M. Vernon** are working with franchisee clients in separate systems to terminate Franchise Agreements. Our clients contend the franchisors are not fulfilling obligations provided for in their respective franchise agreements.

**Sue M. Bendavid** handled a harassment complaint lodged by one of our client's employees against a manager. The employee asserted the manager was texting and sending her inappropriate messages which made her feel uncomfortable. With Sue's guidance, the Company investigated the matter and took internal steps to resolve the matter.

**David B. Bobrosky** of our Personal Injury Practice Group represents a gentleman seriously injured while standing on a street corner after two cars collided at a dangerous intersection. David filed suit against both drivers, and the City. One of the drivers pled no contest to misdemeanor charges in juvenile court. Though restitution rights are not automatic in juvenile court, David obtained a \$5.4 million award through the probation department – the largest restitution award ever issued through that department. The defendant, now an adult and a resident of Beverly Hills with his parents, must pay the restitution as a condition of ending his probation. The civil case continues.



**Paul C. Bauducco** took over a case filed by another law firm and prevailed on motions to reopen discovery and set aside prior rulings against our client, allowing the client to prosecute claims to trial.

**Katherine L. Wallman** and **Tal Grinblat** prepared a cease and desist letter to an infringer who improperly used our client's registered trademark as a domain name. Issuing the letter required Tal and Kate to overcome domain privacy hurdles put in place to disguise the infringer's identity.

**Keith T. Zimmet** represented our client in negotiating a long-term ground lease to a nationally recognized fast food chain.

**Kira S. Masteller** worked with clients interested in creating Generation Skipping Trusts (GSTs) for their grandchildren and great-grandchildren. Our clients wish to provide incentives through the GSTs for the beneficiaries' educational and financial successes in their adult lives.

**Vanessa Soto Nellis** served as mediator for a couple who wanted to amicably divorce, divide property, and resolve custody issues via agreement. The couple avoided court by working together to resolve their differences.

**Matthew J. Soroky** counseled a client in the Bay Area regarding acquisition of franchise rights to operate a company-owned health studio.

**Barry Kurtz** and **Katherine L. Wallman** represent clients franchising commercial kitchens for food preparation, and retailing yogurt products. Barry and Kate are preparing Franchise Disclosure Documents specifically tailored to the respective systems.

**Veronica R. Woods** represented a client in modifying a support order for the benefit of two minor children. The recipient-mother received a substantial increase in child support reflecting the current timeshare and income of the parties. An earnings assignment order has been effectuated.

**David Gurnick**, **Matthew J. Soroky** and **Barry Kurtz** worked with a franchisee who wished to exit a system because of the franchisor's disclosure violations and fraud related to the franchise sale. Our client is seeking compensation for damages. In a separate but similar matter, Barry and **Taylor M. Vernon** represented a franchisee in negotiating the return of our client's initial franchise fee and an early termination. The franchisee is claiming misrepresentation as well as disclosure violations.

**David B. Bobrosky** and our Personal Injury Practice Group were brought into a case after an outside attorney failed to serve a lawsuit on a defendant. David obtained an Order to Serve by Publication, and subsequently took the defendant's default when he did not file a response in a timely manner. Shortly thereafter, the driver's insurance company requested we vacate the default so they could represent their insured. Given that a Motion to Vacate the default would automatically be granted, David agreed, on condition of reimbursement of costs for taking the default. Defense counsel declined stating that the insurance company "does not pay anyone costs." David forced the insurer to make a Motion and then requested costs in opposing the Motion. The Court awarded the total costs requested.

**Stephen T. Holzer** participated in the *MCLE Marathon* hosted annually by the San Fernando Valley Bar Association. Steve's presentation was entitled, "Proposition 65: What You Need to Tell Your Clients," and was geared specifically for Valley attorneys representing business clients.

**Sue M. Bendavid**, **Nicole Kamm**, **Hannah Sweiss** and **Tal Burnovski Yeyni** spoke at multiple venues for clients over the past month regarding legislative and case law changes to California employment law. Sue, Nicole and Tal's presentations focused on the latest in #MeToo Legislation, employer compliance re harassment and discrimination prevention trainings, and recent judicial trends regarding de minimis time and independent contractor classifications, among other topics. Hannah and Tal also gave a presentation on bias in the workplace for members of the San Fernando Valley Bar Association.

**David Gurnick** taught a course in Franchise Law at the University of California Irvine School of Law.

**Veronica R. Woods** was nominated and appointed a Member to the Delegation to California Conference of Bar Associations for the Los Angeles County Bar Association.

**Tal Grinblat** is the Vice Chair of Legislation of the Business Law Section of the California Lawyers Association (CLA). In that role, Tal participated in the association's *Winter Retreat* in San Francisco, at which the CLA formulated policies and planned for the coming year of legislative activities. Tal became Vice Chair of Legislation in August.

## PUBLICATIONS & MEDIA MENTIONS

**San Fernando Valley Business Journal**  
*California Labor and Employment - A Roundtable Discussion*  
**Sue M. Bendavid**, participant

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*Class Action Lawsuits Roundtable: Consult Early On*  
**Sue M. Bendavid**, contributor

**Bankruptcy Handbook for Franchisors and Franchisees**  
(American Bar Association Treatise)  
Chapter 6: *Intellectual Property Issues*  
**David Gurnick**, co-author

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*A-B-C Test Not as Easy as 1-2-3 for California Businesses*  
**Sue M. Bendavid**, co-author

**Franchise Law Journal**  
(American Bar Association)  
*Unconscionability in Franchising*  
**David Gurnick & Samuel C. Wolf**, authors

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*Gas Station Franchises: Federal and California State Regulations*  
**David Gurnick & Matthew J. Soroky**, authors

**KPCC: Air Talk with Larry Mantle**  
*Implicit Bias: Starbucks temporarily closing 8,000 stores for employees' discrimination training*  
**Sue M. Bendavid**, participant

**The Northern California Record**  
*Indio, Coachella Aren't the Only Places Where Code Violations Can Lead to Huge Legal Bills, Lawyer Says*  
**John B. Marshall**, quoted

**KPCC: Air Talk with Larry Mantle**  
*Power in numbers? Or confidential black hole? A new website that connects sexual assault victims in the workplace*  
**Sue M. Bendavid**, participant

**The Los Angeles Times**  
*Visits by ICE Spooking California Businesses, Workers*  
**Sue M. Bendavid**, quoted

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*Product Liability Litigation Tests Jurors' Perspectives*  
**Andrew L. Shapiro**, author