



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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Trust & Estate Planning 2019: Kira S. Masteller, Jana G. Garrotto and Kyla A. Parrino will present our annual, complimentary seminar on Thursday, May 16, 2019. We will provide a light breakfast and validate parking for our guests. Attorneys and Accountants may earn MCLE or CPE credits for attendance. Invitation details and RSVP links will be available on our website soon: lewitthackman.com/events/.

APRIL 2019

Recent Professional & Community Accomplishments

Congratulations to **Tal Grinblat** (Certified Specialist in Franchise & Distribution Law), recognized as a *Legal Eagle* in franchise law by *Franchise Times* magazine. This is the fifth consecutive year Tal has been so recognized. Clients, peers and other legal professionals submit nomination recommendations for the honor.

John B. Marshall was recently recognized at the ribbon-cutting ceremony for the new San Fernando Valley Bar Association's new office, for providing volunteer legal services in negotiation of the lease for the facility. He has represented the Association in the negotiation of its last three leases, going back over 12 years. John is also an arbitrator and panel chair for the Association's Mandatory Fee Arbitration program, and advises on jurisdiction and compliance matters for the program.

Vanessa Soto Nellis (Certified Family Law Specialist) received an award of appreciation from the Van Nuys family law judicial officers for her service coordinating the family law mediators in the Van Nuys court house.

Sue M. Bendavid, Nicholas Kanter and **Paul C. Bauducco** obtained a court order requiring a former employee who filed a lawsuit against our client to arbitrate his claims. Despite having previously signed an arbitration agreement that required him to arbitrate any dispute with his employer, our client's former employee disregarded the agreement and filed his lawsuit in Los Angeles Superior Court. The Court ruled the arbitration agreement obligated the former employee to arbitrate his claims, and stayed the Superior Court action.

Andrew L. Shapiro and **Thomas Cecil** participated in a Mandatory Settlement Conference garnering nearly \$3 Million for a family who lost a wife and mother in a pedestrian accident. The victim was the primary care giver for her husband who suffered dementia. The driver of the vehicle was uninsured, but worked for a small delivery company contracted by a series of distributors and the main supplier of pharmaceuticals.

Kevin E. Rex and **Peter L. Ente** are working on the restructuring of a \$350 million commercial real estate portfolio consisting of eight multi-family rental real estate properties. The purpose of the restructuring is to allow the separation of the two family groups that own the portfolio as and when each property is sold. In part, this involves replacing the management of the entities controlled by our clients' family group, but not the management of the entities controlled by the other family group, all subject to Fannie Mae approval. The restructure is occurring at a quick pace – one property every two weeks.

Barry Kurtz, David Gurnick (both Certified Specialists in Franchise & Distribution Law), and **Matthew J. Soroky** represented a franchisee in obtaining rescission and refund of initial franchise fees and initial investment. Barry, Matt and David demonstrated to the franchisor that our firm was prepared to prove misrepresentations made to our client in the sale of the franchise, and violations of intellectual property laws. The franchisor initially resisted, then agreed to refund our client's purchase price and investment.



David Gurnick and **Samuel C. Wolf** represented the officers of our franchisor client who were individually named in a lawsuit brought by employees of a franchisee. David and Sam filed a successful demurrer, which enabled our clients to be dismissed from the case.

Paul C. Bauducco and **Melissa M. Mayer** (Certified Family Law Specialist) successfully opposed a motion to compel further responses to discovery and monetary sanctions against our client, showing the court that the client had reasonably responded to the majority of the discovery at issue and that the few remaining matters at the hearing on the motion were good faith disputes.

Veronica R. Woods, David Gurnick, and Paralegal **Deborah Moreno**, negotiated settlement in a divorce case. The firm's client was in a same-sex marriage formalized in a California wedding. The ex-spouse claimed the parties, while living together earlier in another state, formed a common law marriage, even though same-sex common law marriage was not recognized at the time. Veronica and David addressed novel Constitutional equal protection issues that helped bring about settlement. In another matter, Veronica and David prevailed on a Motion for Protective Order resulting in the delay of time of taking our client's deposition under stressful circumstances.

Vanessa Soto Nellis consulted with counsel in Massachusetts who was drafting a prenuptial agreement that needs to comport with California law as the couple plans to live in California.

We are pleased to announce the addition of three new attorneys to our firm. **Jana G. Garrotto** joined the Trust and Estate Planning Practice Group as Senior Counsel; **Jessica W. Rubin** started with our Business Litigation and Franchise & Distribution Practice Groups as an Associate; and **Chrystal Ferber** is now an Associate in our Employment Practice Group.

Nicole Kamm resolved a long-pending claim filed with the Department of Labor Standards Enforcement by a former caregiver of our client's elderly family member in exchange for a release of claims. The resolution allowed our client to avoid the need for a hearing and associated fees, expense and potential exposure. This matter serves as a reminder to all clients of the importance of being aware of in-home caregiver laws, as those who engage such services are generally considered employers, required to comply with various wage and hour and other obligations.

Tal Grinblat and **David Gurnick** consulted with a client on steps to improve public recognition of the client's trademark. The trademark has become so strong and so recognized, that there is risk of it becoming the name of the product itself. Tal and David will confer on steps to maintain strength of the trademark while making sure it distinguishes the client's products from those of others.

Veronica R. Woods facilitated the final resolution of our client's ongoing child support arrearage. Veronica worked with the Child Support Services Department to finalize a matter that has been pending for numerous years resulting in our client's restrictions lifted.

David B. Bobrosky of our Personal Injury Practice Group resolved a case for a client who was injured in an accident during the time he was studying to take the California Bar Examination. The injuries had an effect on his ability to study for the exam. The case was unique as the insurance company for the responsible driver filed for Liquidation in the State of Texas. David worked through those proceedings to present a claim to the California Insurance Guarantee Association (CIGA). David proved this was a "covered claim" and CIGA eventually funded the settlement.

Sue M. Bendavid has been providing a number of management and employee training sessions for our clients and referral partners regarding the new legislation that went into effect this year; most common legislative pitfalls in hiring and firing; and sex harassment, discrimination and retaliation prevention training. The harassment/discrimination training is required for businesses with five or more employees.

PUBLICATIONS & MEDIA MENTIONS

Franchise Times Magazine

2019 Legal Eagles of Franchise Law
Tal Grinblat selected

San Fernando Valley Business Journal

Legal Traps at Work
Sue M. Bendavid, interviewed

Super Lawyers Magazine

2019 Southern California Super Lawyers
Sue M. Bendavid, Employment/Labor
David B. Bobrosky, Personal Injury
Tal Grinblat, Franchise/Dealership
David Gurnick, Franchise/Dealership
Stephen T. Holzer, Environmental
Nicole Kamm, Employment/Labor
Barry Kurtz, Franchise/Dealership
Kira S. Masteller, Estates/Probate
Vanessa Soto Nellis, Family Law
Andrew L. Shapiro, Personal Injury
Lynn Soodik, Family Law
Keith T. Zimmet, Business/Corporate

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