



## Business Practice Groups

- Business & Civil Litigation
- Commercial Finance
- Corporate
- Employment
- Environmental
- Franchise & Distribution
- Health Care
- Intellectual Property
- Mergers & Acquisitions
- Real Estate
- Tax Planning

## Consumer Practice Groups

- Family Law
- Personal Injury
- Trust & Estate Planning

818.990.2120

lewitthackman.com

16633 Ventura Boulevard  
Eleventh Floor  
Encino, California 91436

**2020 Employment Defense:** Please join us for our annual employment law update, presented by our Employment Practice Group attorneys. We will offer two in-house presentations and one webinar on January 14th, 16th or 23rd. Attendees may qualify for 1.5 hours MCLE or CPE credits. We will provide a light breakfast and validate parking for the in-house presentation. Invitation details and RSVP links will be made available on the Events page of our website shortly: [lewitthackman.com/events/](http://lewitthackman.com/events/).

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## December 2019

### Recent Professional & Community Accomplishments

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**Mark J. Phillips** (Certified Specialist in Trusts and Probate) and **Alex J. Hemmelgarn** closed a complex probate for the spouse of a decedent who passed away in 1991. The decedent held a variety of mineral rights in West Virginia that were worth little at the time of his death, but with the development of fracking, became much more valuable. On behalf of our client, Alex traveled to West Virginia to conduct research into the local property records, thus enabling our attorneys to clarify and recover these mineral rights for the client.

**Vanessa Soto Nellis** (Certified Family Law Specialist) obtained a termination of spousal support for our client who recently retired and was unable to continue to pay court ordered support.

**Tal Grinblat** (Certified Specialist in Franchise & Distribution Law) resolved a matter for a client who allegedly violated the Do Not Call Registry List. After being contacted by a consumer threatening to sue in federal court, Tal found the consumer was contacted by our client's telephone marketer -- not the client directly. After negotiations, the telephone marketer agreed to take full responsibility for the matter and settled the threatened action.

**Kevin E. Rex** and **Taylor M. Vernon** represented an aviation company in their eight-figure stock sale to a private equity buyer. As part of the transaction, Kevin and Taylor negotiated pre-sale minority shareholder buyout agreements, rollover equity agreements, executive employment contracts, and other ancillary documents.

**David G. Jones** prevailed in *Jeffra v. California State Lottery*, wherein a California Court of Appeal ruled in his client's favor in a matter dealing with whistleblower issues. The published opinion can be found in the *California Appellate Reports*.

**Kevin E. Rex, Peter L. Ente** and **Taylor M. Vernon** worked with the owners of a \$40 million company to restructure the business in advance of a sale transaction. The business had been conducted by a variety of corporations and limited liability companies. Kevin, Peter and Taylor implemented a seven step restructure that allowed the target business to become a limited liability company (a tax partnership) and allow each selling shareholder to hold their interests in the business through a blocker entity.

**David Gurnick** (Certified Specialist in Franchise & Distribution Law) is representing a multi-unit franchisee seeking to end an unsatisfactory relationship. Using online records of the Department of Business Oversight David researched the franchisor's legal compliance, and identified compliance violations that are grounds for rescission of the franchise. David then notified the franchisor of these issues on behalf of our client.

**Sue M. Bendavid** and **Nicholas Kanter** resolved several wage and hour class action lawsuits for roughly five percent of the claimed damages demanded by the plaintiffs. The lawsuits involved claims for alleged meal and rest breaks, unpaid overtime, off the clock work, pay stub violations, and sought *Private Attorneys General Act* penalties as well.



**Kevin E. Rex** and **Peter L. Ente** represented several clients in negotiating Letters of Intent to acquire their businesses. Kevin

and Peter worked with the respective clients to protect their assets in the event of a failure to close a transaction following due diligence, to allow all stake holders to achieve their individual objectives, and to structure each transaction in a tax favorable fashion.

**Barry Kurtz** (Certified Specialist in Franchise & Distribution Law) and Katherine L. Wallman worked with an Australian based franchisor with structuring its US licensing and franchise program. In a separate but similar matter, Barry and Kate represented a fitness company in structuring its licensing program.

**Matthew J. Soroky** was successful in resolving a client's grievance with an online retailer advertising false discounts and prices at the client's restaurants. In response to Matthew's demand letter, the company took down the client's logo and removed the inaccurate information from its website.

**David Bobrosky** of our Personal Injury Practice Group represented a woman hit by a car while crossing the street as a pedestrian. David moved swiftly to resolve the case against the driver for her policy limits. Fortunately, our client also had her own underinsured motorist coverage – David will pursue additional compensation from our client's own insurance company. This is another example of why it is so important to carry your own uninsured/underinsured motorist coverage at the highest possible limits. If this client had not, she would have been left with minimal recovery compensation.

**Barry Kurtz, Matthew J. Soroky** and **Caitlyn Dillion** are preparing franchise disclosure documents (FDD) for existing franchisor clients interested in franchising their additional restaurant concepts. In separate news, Barry and Matthew are working with owners of a waxing and hair removal business to start selling franchises next year.

**Jana G. Garrotto** and **Kyla A. Parrino** created an estate plan for a married US citizen and a non US citizen, to obtain the best tax consequences upon the death of the American spouse. The estate plan was comprehensive, taking into account our client's dispositive wishes and providing for each spouse under a variety of circumstances during their lives.

**Sue Bendavid** and **Tal Burnovski Yeyni** worked with a client in the wellness industry to transition its workforce from independent contractors to payroll employees. Under the state's newly signed Assembly Bill 5, the transition helps ensure our client is in compliance with current classification rules, thus reducing the risk of potential wage and hour claims and governmental audits which may result in heavy penalties.

**Kira S. Masteller, Mark J. Phillips** and **Alex J. Hemmelgarn** presented our annual MCLE and CPE accredited seminar, *Year End Tax Planning*, for attorneys, accountants and clients. Kira, Mark and Alex discussed new tax exemptions and exclusions for 2020, shifts to cost basis, decanting trusts, and property tax issues. In a separate presentation, Mark spoke to the agents at Keller Williams Realty in Los Angeles regarding real estate sales in probate proceedings.

**Tal Grinblat** was a featured speaker at the California Lawyers Association's 44th Intellectual Property Institute held in Las Vegas. Attended by over 200 intellectual property practitioners, Tal presented on franchising and the steps IP lawyers should take to avoid their clients becoming accidental franchisors.

**David Gurnick** was invited by UC Irvine School of Law to teach a franchise law course to second and third year law students. UC Irvine is ranked among the nation's top 30 law schools by *US News & World Report*.

Congratulations to **Caitlyn Dillon**, our newest Associate in the Franchise & Distribution Practice Group. Caitlyn began as assistant to **Barry Kurtz**, then became a Paralegal, working her way through law school. She earned her Juris Doctor from Southwestern and was sworn in last month.

## Publications & Media Mentions

### **KPCC's AirTalk with Larry Mantle**

*There's an Increased Market for Sexual Harassment Training Videos*

**Sue M. Bendavid** interview

### **Valley Lawyer**

(San Fernando Valley Bar Association)

*Attending to Medicare: What Clients Need to Know*

**Jana G. Garrotto**, coauthor

### **Los Angeles Daily Journal**

*Adaptable - US Magistrate Judge Listens to Attorney Input on Case Management*

**David G. Jones**, quoted

### **Valley Lawyer**

(San Fernando Valley Bar Association)

*Building New Bridges of Communication from Both Ends*

**Kira S. Masteller** and **David G. Jones**, quoted

### **Santa Barbara Lawyer**

(Santa Barbara County Bar Association)

*Accidental Franchises: What You Don't Know Can Hurt Your Client*

**Barry Kurtz** and **Katherine L. Wallman**, authors

### **San Fernando Valley Business Journal**

*End of Indie Contractors Means Woes for Employers*

**Sue M. Bendavid**, quoted

### **Best Lawyers in America**

*2020 Edition*

**Sue M. Bendavid**, Employment/Labor

**Lynn Soodik**, Family Law

**David Gurnick**, Franchise/Dealership

**Michael Hackman**, Tax Law

**Kira S. Masteller**, Trusts & Estates

**Andrew L. Shapiro**, Injury Litigation

### **San Fernando Valley Business Journal**

*Trademarks Hinge on Cuban Embargo*

**Tal Grinblat**, quoted

### **Valley Lawyer**

(San Fernando Valley Bar Association)

*Trial of Charles Manson: 50 Years Later*

**Mark J. Phillips**, co-author

### **San Fernando Valley Business Journal**

*Anti-Gig Bill Passes California Senate*

**Sue M. Bendavid**, interviewed

### **Franchise Times Magazine**

*Dog Haus Going With Flow in Virtual Test Kitchen*

**Barry Kurtz**, quoted

### **San Fernando Valley Business Journal**

*Business Journal Awards: Valley's Most Trusted Advisors (Attorney of the Year)*

**Barry Kurtz**, selected