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Recent Professional & Community Accomplishments

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

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Paul C. Bauducco of our Business Litigation Practice Group, and Family Law attorneys **Vanessa Soto Nellis** and **Melissa L. Mayer** (both Certified Family Law Specialists), prevailed at trial on a highly contested matter concerning the valuation date for our client's community property business. The favorable ruling eliminated millions of dollars in claims against our client and reduced the remaining time necessary to try the remainder of the case, thus saving our client tens of thousands of dollars.

Kira S. Masteller is working with two generations that own a business together. Kira completed the parent's estate planning to insure their stock in the corporation will be distributed at their deaths pursuant to the plan agreed upon with the children. Kira also formed a buy-sell agreement so that in the event any of the shareholders die, the surviving members have the right to buy the stock from the deceased shareholder's family so as not to have to continue in business with a deceased shareholder's spouse or children.

David G. Jones helped a retail client successfully navigate the termination of its CEO, whereby no additional compensation beyond that outlined in the offer letter was paid, despite a demand for mid-six figures of additional compensation.

David Gurnick (Certified Specialist in Franchise & Distribution Law) represented a franchisee in negotiating an exit from the franchise agreement. David was able to use the circumstances to negotiate a waiver from the franchisor in favor of the client of most of the post-term restrictions under the franchise agreement.

Steven L. Feldman and **Alex J. Hemmelgarn** negotiated a settlement of a trust dispute between two sisters involving complex issues of the allocation of assets between two sub-trusts. The settlement allowed our client to stay in her residence of many years, and garnered substantial real property tax benefits for our client as well. Steve handled the real estate transaction and **Zane S. Averbach** provided tax insights benefitting our client.

Sue Bendavid and **Nicholas Kanter** resolved a multi-million dollar class action lawsuit filed against our client, asserting a multitude of wage and hour claims. After a lengthy mediation and motion process, the court approved the final settlement, which will save the client millions of dollars in potential damages, fees, and costs.

Barry Kurtz (Certified Specialist in Franchise & Distribution Law) and **Katherine L. Wallman** completed franchise documents for our client's sale of a 50 unit development deal to a Middle Eastern developer. In separate matters, Barry and Kate are preparing license agreements for a local coffee retailer and the developer of a driver training program for the purchasers of new automobiles and reviewed and updated franchise agreements for our client's renewal of their business brokerage business.

Tal Grinblat and **Caitlyn Dillon** overcame a difficult refusal from the Trademark Office for a client who promotes jobs in the construction industry. The examiner alleged the client's mark was confusingly similar to another existing registration in the construction field. Tal and Caitlyn conducted research of other similar marks both registered and unregistered, and provided the Trademark Office with over 27 exhibits in support of our client's submission. Within days of filing the response, the Examiner approved the mark for publication.

Mark J. Phillips (Certified Specialist in Trusts and Probate) and **Alex J. Hemmelgarn** resolved a dispute before trial between our national trust company client and a beneficiary who challenged the trustee's final account and petition to terminate the trust. Mark and Alex's settlement efforts saved significant fees and costs for the trust.

Thomas Cecil of our Personal Injury Practice Group obtained a nearly one million dollar criminal restitution award in a contested hearing against a reckless driver who ran over and killed our clients' wife, and mother of their children. The driver refused to cooperate in our civil lawsuit against him and never apologized or showed any remorse for his conduct. Based on his "no contest" plea, we were able to enforce the victims' rights to restitution for the economic damages the perpetrator caused.

Jana G. Garrotto and **Kyla A. Parrino** helped a married couple who discovered that their property had been inadvertently transferred at the time of a refinance, to be the separate property of one spouse when it should have remained characterized as community property. By correcting this error, the couple will be able to take advantage of the multiple benefits of community property ownership that is provided for married couples in the state of California and prevent an issue caused by the mischaracterization in future.

Kevin E. Rex, **Barry Kurtz**, and **Taylor M. Vernon** are representing a long-standing laundry franchisee in the sale of the businesses to its franchisor. In other matters, Barry and Taylor are working with separate clients in the purchase of a home care and nationally-branded hotel franchises.

Mark J. Phillips and **Lani Fu** formed separate, anonymous title-holding trusts, managed by an independent professional trustee, on behalf of a buyer who was aggregating real property purchases in a specific area of Los Angeles. The anonymity allowed our client to obtain fair, market value sale prices.

Vanessa Soto Nellis took over a matter for a client who previously retained ineffective counsel who did not move the case forward. Vanessa convinced opposing counsel to agree to use a joint forensic accountant to keep costs down. The issues involved spousal support on a long term marriage and division of significant assets. Though our client was prepared for trial, the parties were able to reach an amicable resolution.

David Gurnick is working with several clients to comply with the California Consumer Privacy Act. This includes review of data collection practices and updating websites to comply with new rules. The CCPA establishes for certain larger businesses a consumer's right to know what information is collected about them, why it is collected, a right to require deletion of information about them, to opt out of having their information be sold, and various other rights.

Kira S. Masteller represents the Trustee of a Trust for an adult child with creditor issues – the parents did not want their beneficiary's creditors to have access to their funds. Now that the parents have passed away, the Trustee is able to invest the assets and pay the beneficiary's expenses without ever actually giving funds to the beneficiary. This keeps the assets safe from the beneficiary's creditors, while still benefitting the beneficiary.

Sue M. Bendavid and **David Gurnick** are working with clients in several industries to establish best practices to address employment related issues, as well as franchisor-franchisee and customer services issues raised by the Coronavirus crisis. This includes being in contact with the Centers for Disease Control & Prevention regarding the latest developments.

Steven L. Feldman successfully settled a three year contentious real estate partnership litigation matter involving the purchase and sale of two apartment buildings. The lawsuit involved claims for quiet title, fraudulent transfer, investment fraud, mismanagement and misappropriation of rents.

Barry Kurtz and **Matthew J. Soroky** are working with a client in the purchase of a franchised health and exercise business.

Jana G. Garrotto and **Kyla A. Parrino** worked with a private investigator to help their Trustee successfully locate heirs to an estate who resided in multiple countries in order to provide them with statutory notice, as well as to establish the identity of a deceased owner of real property relevant to the matter, who had used multiple aliases, whose confirmed identity was required in order to Petition the court to transfer ownership of the real property to the Trust.

David G. Jones successfully resolved two wage and hour matters, one civil action and one before the Labor Commissioner, each for less than 50 percent of the actual wages and penalties demanded.

Tal Grinblat and **Katherine L. Wallman** overcame a refusal from the Trademark Office contending that a client's mark in the computer software field was confusingly similar to another registration in a related, but different field. By going through the DuPont Factors (a 1973 case which established the standard for determining likelihood of confusion) and explaining to the examiner the differences in the parties' channels of trade and respective goods and services, the examiner was persuaded to approve the mark for publication.

Sue M. Bendavid conducted several harassment, discrimination and bullying prevention trainings for various clients. The trainings are required for most employers with workers in California.

Barry Kurtz, **Tal Grinblat** and **David Gurnick** were all recertified as Certified Franchise Executives, a distinction conferred by the International Franchise Association.

Zane S. Averbach participated in the Valley Community Legal Foundation's (VCLF's) program, *The Constitution and Me*, which strives to provide constitutional education to local high school students. The annual program joins the students with two attorneys and a bench officer, in an effort to discuss our country's fundamental legal principles and the issues that may threaten them. The students participate in an essay contest upon completion of the program – winning essayists receive scholarships provided by the VCLF.

PUBLICATIONS & MEDIA MENTIONS

San Fernando Valley Business Journal
New Power Lawyers
Tal Grinblat featured

Los Angeles Daily Journal
Open Competition: Trending Noncompete Litigation
Nicholas Kanter and **Tal Burnovski Yeyni**, authors

San Fernando Valley Business Journal
Parsing AB5's Impact
Sue M. Bendavid and **Tal Burnovski Yeyni** quoted

Valley Lawyer (San Fernando Valley Bar Association)
The Buck Stops Here: What You Owe Your Employees (MCLE article)
David G. Jones, author

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

Franchise Law Journal (The American Bar Association)
Compelling US Discovery in International Franchise Arbitrations: The (F)utility of Section 1782 Applications
Matthew J. Soroky, author

San Fernando Valley Business Journal
Flexibility for Franchisers in the New Economy
David Gurnick, quoted

Valley Lawyer (San Fernando Valley Bar Association)
Attending to Medicare: What Clients Need to Know
Jana G. Garrotto, author

Los Angeles Daily Journal
Adaptable - US Magistrate Judge Listens to Attorney Input on Case Management
David G. Jones quoted

KPCC's AirTalk with Larry Mantle
There's an Increased Market for Sexual Harassment Training Videos
Sue M. Bendavid, guest