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Please visit our COVID-19 Resources Page for information regarding federal, state, and local orders and regulations stemming from the pandemic:

lewitthackman.com/coronavirus-resources/

JUNE 2020

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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Sue M. Bendavid and **Chrystal Ferber** obtained a dismissal of a lawsuit in which our security services client faced alleged wage and hour claims by two former employees. Our client was able to avoid costly litigation and potential damages by resolving the case early, without going to trial.

Jana G. Garotto and **Kyla A. Parrino** represent a Trustee regarding the alleged absconding of Trust assets by a Co-Trustee and beneficiary. **John B. Marshall**, Jana and Kyla worked together in preparing and recording a Lis Pendens, to protect unlawfully transferred real property pending litigation so that it will not be unlawfully encumbered or sold.

David Gurnick (Certified Specialist in Franchise & Distribution Law) and **Jessica W. Rosen** represented the franchisor of a globally known brand against a franchisee who was in breach of the Franchise Agreement. Shortly after filing suit, the matter settled favorably for our client, before the time for the franchisee to answer the complaint and defend the firm's motion for preliminary injunction.

Vanessa Soto Nellis (Certified Family Law Specialist) worked with a client to prepare his prenuptial agreement, explaining California law that applies to all married couples so that he could make informed decisions during marriage concerning the character of property and income.

Tal Grinblat and **Katherine L. Wallman** overcame a difficult refusal from the Trademark Office regarding a child therapy business client. The Examiner asserted our client's mark was substantially similar to another existing registration for what the examiner claimed were related services. In the first round, the Examiner maintained his refusal and issued a Final Refusal. Tal and Kate then provided additional evidence describing the differences between the parties' goods and services and the marks themselves, which led the Examiner to withdraw his likelihood of confusion refusal.

Keith T. Zimmet served as lead counsel in representing one of our non-profit clients as it refinanced its primary debt through the issuance of approximately \$40 Million in tax free bonds. The transaction involved negotiating and coordinating with banks and various state and local governmental bodies and agencies.

Barry Kurtz (Certified Specialist in Franchise & Distribution Law) and **Matthew J. Soroky** represent a cryotherapy franchisor attempting to get registered to sell franchises in California even though the state considers cryotherapy to be a medical services business subject to regulation by the Board of Medical Examiners. California does not generally allow such businesses to be franchised.

Kira S. Masteller and **Kyla A. Parrino** are filing a probate for a child's 1/3 interest in real property inherited over 15 years ago, wherein the Trustees of the Trust never distributed the properties to the three beneficiaries. The Trustees filed taxes and managed the asset as if it had been distributed; but it never was. Recently, one of the three beneficiaries passed away, requiring his partial interest in the separate property inheritance go through probate to pass to the decedent's wife and children.

Matthew J. Soroky represented a quick service restaurant franchisor in resolving litigation brought against a former franchisee who left the franchise to start operating a competing restaurant. In a separate matter, Matthew resolved a lengthy litigation on behalf of a local franchisee who sought rescission of franchise agreements with the client's out-of-state franchisor, by structuring a resolution that enabled the client to leave the system.

Barry Kurtz and **Kevin E. Rex** are advising a co-owner of over 100 restaurant franchises regarding the management of our client's relationships with the client's co-owners and franchisor.

David Gurnick and **Jessica W. Rosen** reached a favorable settlement for our out-of-state clients – a telecommunications company and its officer – who were sued by the California Public Utilities Commission. Our attorneys brought motions to dismiss, arguing strongly that the California court lacked jurisdiction over our out-of-state clients. The PUC was persuaded to settle, saving our clients hundreds of thousands of dollars in legal fees and potential damages.

Nicholas Kanter and **Tal Burnovski Yeyni** settled a lawsuit in which our clothing industry client faced alleged wage and hour claims. By resolving the case early, our client was able to avoid litigation expenses.

Jessica W. Rosen helped a franchisor resolve a pre-litigation dispute by a franchisee, whose claims were clearly time-barred under the *California Franchise Investment Law*. The franchisee elected to take no further action after receiving Jessica's response to the demand letter.

Tal Grinblat worked with a real estate industry client in purchasing a valuable four-letter internet domain. The purchase resolved a trademark rights dispute between our client and the former domain owner and paved the way for our client's trademark application to proceed to registration.

David B. Bobrosky of our Personal Injury Practice Group recently settled four cases for policy limits in which all Defendants had relatively small policies. In two of the cases, our clients had significant Underinsured Motorist Coverage and David was able to obtain multiple six figure settlements from the clients' own carriers – in addition to the underlying settlements. Unfortunately, the other two clients did not have Underinsured Motorist coverage and the Defendants did not have assets in those cases to pay any additional money. This is why it is so important for everyone to make sure they have as much Underinsured Motorist coverage as they can afford.

Sue M. Bendavid and **Chrystal Ferber** resolved a client's disability and age discrimination claim in an amount that was less than 10 percent of the opening demand.

Kira S. Masteller is transferring interests in a Limited Partnership to Separate Property Trusts established for each of our clients' adult children, bringing the beneficiaries into a family business that invests in and manages real property. This transfer allows the adult children to receive additional income, and removes the gifted interests from the parents' estate so that future growth will not be included in their taxable estate.

Matthew J. Soroky settled a territory dispute on behalf of a franchisor client with franchised operators in over 100 territories nationwide. Matt negotiated a termination and release agreement that cleared the territory for another operator and enabled a disgruntled franchisee to exit the system and release various claims.

Tal Burnovski Yeyni resolved alleged wrongful termination and wage and hour claims for a client for less than 20 percent of the plaintiff's demands, and a release of future claims – thus allowing our client to continue business operations without the weight or expense of further litigation.

Jessica Rosen and **David Gurnick** representing a client with a well-known brand, won a temporary restraining order to protect the company's widely-followed Instagram account. A former co-owner registered the account in his own name. At Jessica and David's request the Court issued an order that the former owner place the access information in trust with his lawyer and not interfere with the operation of the account pending hearing on a preliminary injunction.

David G. Jones and **Chrystal Ferber** successfully mediated a disability discrimination and failure to accommodate claim for an entertainment employer via Zoom mediation, at an amount that was less than twenty percent of the opening demand. The resolution, while pre-litigation, saved the client substantial sums in both fees and settlement proceeds.

David Gurnick and **Jessica W. Rosen** won post-judgment motions preserving a successful jury verdict for our client. The opposing lawyer brought motions trying to undo the verdict. Jessica and David showed the judge that the verdict was right and should be upheld.

Jana G. Garrotto and **Kyla A. Parrino** represent a large family in establishing the legal mechanisms necessary to transfer assets held in various business entities to the next generation.

Sue M. Bendavid, Nicholas Kanter, David G. Jones, Tal Burnovski Yeyni and **Chrystal Ferber** presented several webinars for various organizations regarding employment defense issues during the novel coronavirus pandemic. The seminars were entitled, *Ramping Up: COVID-19 Considerations When Brining Employees Back to Work*, *Coronavirus: Issues Impacting Your Workforce*, and *COVID-19: Top 10 Missteps and How to Avoid Them*. Attendees included members of the San Fernando Valley Bar Association, local chambers of commerce, the Valley Industry & Commerce Association, and the customer bases of our own professional services clients. Over 1,000 individuals participated in the various webinars.

David G. Jones, as a member of the Valley Courts COVID-19 Advisory Committee, collaborated with other committee members to make recommendations to reopen San Fernando Valley courts. The committee evaluated court operations, considered implementing new technology to carry out certain functions, and strategized the best ways to maintain social distancing protocols.

Sue M. Bendavid conducted harassment, discrimination, bullying and retaliation prevention training for members of a Southern California oral-facial medical network.

PUBLICATIONS & MEDIA MENTIONS

KNX 1070 News Radio

COVID-19 Employer Compliance and Re-Opening Businesses
Sue M. Bendavid interview

San Fernando Valley Business Journal

Employment Lawyers Put in 14-Hour Days to Keep Up with Client Questions, Changing Rules
David G. Jones quoted

Valley Lawyer (San Fernando Valley Bar Association)

COVID-19: Its Impacts on Lawyers and the Practice of Law
David Gurnick, author

The Los Angeles and San Francisco Daily Journal

Best Practices for Business Franchises During Pandemic
Barry Kurtz & Matthew J. Soroky, authors

Franchise Law Journal (American Bar Association)

Franchise Law Jury Instructions
David Gurnick, author

San Fernando Valley Business Journal

Communication Up for Employment Lawyers
Keith T. Zimmet & Sue M. Bendavid quoted

San Fernando Valley Business Journal

City Backs Off Hiring Rewrite
Keith T. Zimmet quoted

GPSolo eReport (American Bar Association)

Employee vs. Independent Contractor: A Distinction with Huge Differences
David G. Jones, author

The Los Angeles and San Francisco Daily Journal

Open Competition: Trending Noncompete Litigation
Nicholas Kanter and **Tal Burnovski Yeyni**, authors