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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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We are pleased to announce that both **Matthew J. Soroky** and **Katherine L. Wallman** are now Certified Specialists in Franchise & Distribution Law, per the State Bar of California Board of Legal Specialization. There are fewer than 50 franchise & distribution specialists in California – our firm now has five of them – and one of the largest franchise & distribution practice groups on the west coast.

Congratulations to our 17 Shareholders named **Southern California Super Lawyers** in 2021, by *Super Lawyers Magazine*. The attorneys selected are: **Keith T. Zimmet** and **Zane S. Averbach** (business/corporate); **Paul C. Bauducco** and **Nicholas Kanter** (business litigation); **Sue M. Bendavid** and **David G. Jones** (employment & labor); **Stephen T. Holzer** (environmental); **Kira S. Masteller** and **Mark J. Phillips** (estate & probate); **Vanessa Soto Nellis** and **Lynn Soodik** (family law); **Barry Kurtz**, **Tal Grinblat** and **David Gurnick** (franchise/dealership); **Andrew L. Shapiro** and **David B. Bobrosky** (personal injury plaintiff); and **Steven L. Feldman** (real estate). Additionally, Mark Phillips and David Gurnick were selected to *Super Lawyer Magazine's Top 100* list.

Barry Kurtz, **Katherine L. Wallman** (both Certified Franchise & Distribution Law Specialists) and **Peter L. Ente** prepared franchise and operating agreements under which our client will co-own a franchised restaurant. In a separate matter, Barry and Kate are working with a massage therapy boutique franchisor to complete its California franchise registration.

Jana G. Garrotto and **Kyla A. Parrino** successfully represented a surviving spouse in petitioning the Court to obtain an Order authorizing transfer of significant community and separate property assets, which had inadvertently been titled solely in the deceased spouse's name. The error was not discovered until the deceased spouse's death. The Court Order remedied the error, and the assets will be transferred to the Trust Estate.

David Gurnick (Certified Specialist in Franchise & Distribution Law) represented a national franchisor in settling litigation brought against a large franchisee who was violating multiple franchise agreements. Our client reacquired territories and will be able to remarket them. The court will retain jurisdiction to enforce post-term restrictions against the ex-franchisee.

Keith T. Zimmet guided clients through the new laws and rules relating to second borrowings under the SBA's *Paycheck Protection Program*, and counseled clients regarding their applications for forgiveness under their existing PPP loans.

Kira S. Masteller and **Stephen T. Holzer** prevailed in an appellate challenge to a favorable trial court decision on behalf of a client. The client, the beneficiary of a Trust, successfully challenged the claim of a decedent's girlfriend to his estate. The girlfriend appealed the trial court's decision but, based on briefing and argument, the appellate court rejected the appeal.

Kevin E. Rex and **Taylor M. Vernon** represented a client in the music publishing business in the offering of shares to two upper-management employees. The deal included negotiating a new shareholders' agreement and several ancillary agreements, including a stock purchase agreement and executive employment agreements.

Vanessa Soto Nellis (Certified Family Law Specialist) obtained a court order sanctioning the opposing party \$40,000 due to bad faith conduct, such as failing to comply with the court rules and timely cooperate in resolving issues, during the divorce process.

Tal Grinblat successfully overcame a refusal that a client's mark was not registrable as a brand of supplements under the federal *Food, Drug, and Cosmetic Act* (FDCA) and the *Controlled Substances Act*. After reviewing Tal's arguments, the Examiner lifted the refusals.

Jessica W. Rosen and **David Gurnick** represented an out-of-state manufacturer sued in federal court on a factoring agreement. Jessica and David moved for dismissal, claiming lack of jurisdiction in California and failure to state successor liability against one of the defendants. With the motion pending, the other side agreed to settle for one-third of their initial demand.

John B. Marshall worked with a client in closing a complex \$9 Million loan with deeds of trust on properties in two counties, obtaining subordinations and estoppels from two national companies who are tenants, and coordinating with the escrow and title company to complete a year-end closing.

Paul C. Bauducco and **John B. Marshall** represented a landlord client in avoiding litigation by negotiating a favorable resolution of a dispute with a tenant. Paul and John convinced the tenant to pay overdue rent and late fees, transfer rights to an agricultural cultivation license to our client, and finalize a new lease.

Nicholas Kanter obtained early dismissal of several claims filed against our client under California's *Fair Employment and Housing Act* (FEHA). Nick argued that the plaintiff failed to exhaust his administrative remedy prior to filing his lawsuit under the FEHA, and was therefore barred from pursuing his FEHA claims in Superior Court. Dismissal of the FEHA claims early on in the lawsuit is a significant victory since the statute allows a prevailing plaintiff to recover attorneys' fees.

Barry Kurtz and **Peter L. Ente** represented a client who sold a piece of real property that was titled in the client's name, but in which others held a beneficial interest. A dispute arose concerning the division of sale proceeds and application of California gross receipts withholding on the sale of real property. Barry and Peter worked with the client in successfully resolving the dispute and settling the matter.

Kira S. Masteller, **Taylor M. Vernon** and **Kyla A. Parrino** represented a client in establishing a corporation for his business which included working with international business sub-contractors.

Matthew J. Soroky (Certified Specialist in Franchise & Distribution Law) is working with a franchisee on risk mitigation strategies for leasing a formerly franchised site to a competing chain. In a separate matter, Matt is concluding a series of extended negotiations for a legacy franchisee with a franchisor's new management team regarding renewal terms.

Jana G. Garrotto and **Kyla A. Parrino** represent a family in meeting particular estate planning goals. Jana and Kyla drafted the family's plan to specifically encourage the beneficiaries of the trust to maintain employment throughout their lives rather than solely relying on the trust distributions – and providing trust provisions to incentivize the beneficiaries to do so.

John B. Marshall worked with a client in documenting and closing a complex \$2.4 million loan by a foreign lender, secured by real property in another state and pledges of interests in a Delaware company. The complicated transaction included coordinating electronic notarization of signatures the U.K.

Sue M. Bendavid and **Tal Burnovski Yeyni** obtained an injunction against a client's former employee, terminated for threatening co-workers and members of management.

Zane S. Averbach and **Steven L. Feldman** collaborated in defending claims that a client's parking lot at a public accommodation was in violation of the *Americans with Disabilities Act* and California's *Unruh Act*. Zane and Steve successfully resolved the matter without having to engage in any litigation – saving our client thousands in time and costs.

Keith T. Zimmet negotiated the sale of our client's commercial retail center. The transaction was complicated by the pandemic's impact on existing leases and tenant operations.

Jessica W. Rosen and **David Gurnick** represent a business being sued by an ex-shareholder. Jessica and David brought a cross-complaint and obtained a preliminary injunction in favor of our client. The ex-shareholder violated the injunction, and then failed to appear at hearings. David and Jessica persuaded the court to dismiss his lawsuit and place him in default.

Tal Grinblat worked with a client in developing strategies for protecting intellectual property. The strategies comprised two parts: registering more domestic and international applications; and pursuing infringers of our client's well known marks.

Jana G. Garrotto and **Kyla A. Parrino** have been working with a Trustee to distribute trust assets to a named beneficiary. During the trust administration, the named beneficiary passed away. Jana and Kyla successfully worked with the Trustee to transfer the assets belonging to the heirs of the decedent's estate, to a pending out-of-state probate.

Barry Kurtz, **David Gurnick** and **Matthew J. Soroky** worked with a client to establish and implement a system-wide gift card program. In a separate matter, Barry and Matt represent a restaurant franchisor in transitioning the system from a franchising model to a trademark licensing arrangement with former franchisees.

Kira S. Masteller and Paralegals **Gina Aubry** and **Deborah Moreno** created a Family Limited Partnership and transferred more than 100 real properties to the partnership. The partnership allows parents to make gift tax exempt transfers of partnership interests to children for estate tax planning purposes. The future appreciation of the partnership interests transferred will be kept out of the future taxable estate of the parents.

Zane S. Averbach and **Stephen T. Holzer** obtained an ex parte order securing amounts owed to a client for goods ordered but for which payment was not made.

Jessica W. Rosen obtained a favorable settlement in favor of our global franchisor client against a franchisee who failed to indemnify the franchisor in underlying litigation brought by a customer who claimed to have been injured at the franchisee's store.

Barry Kurtz and **Katherine L. Wallman** worked with a luxury real estate franchisor client to secure an exemption in New York from the pre-sale registration and disclosure of a Franchise Disclosure Document.

Sue M. Bendavid and **Tal Burnovski Yeyni** presented several webinars for clients, business organizations, and the clients of HR or business insurance partners regarding the latest changes to federal and California employment laws, including the myriad new rules related to the pandemic.

We are pleased to announce the addition of **Nancy Martinez** to our Family Law Practice Group. Nancy earned her *Juris Doctor* from Southwestern Law School in 2019.

PUBLICATIONS & MEDIA MENTIONS

San Antonio Lawyer

Charles Manson 50 Years Later - Part I: The Murders

Mark J. Phillips co-author

San Fernando Valley Business Journal

Labor & Employment: A Roundtable Discussion

Sue M. Bendavid, participant

Arizona Attorney Magazine

The Trial of Charles Manson: 50 Years Later

Mark J. Phillips co-author

Valley Lawyer (San Fernando Valley Bar Association)

Social Media and Common Ethical Problems (MCLE article)

Katherine L. Wallman, author

The Los Angeles Daily Journal

Assembly Bill 5 and the Future of Franchising

Barry Kurtz and **Matthew J. Soroky**, authors

Valley Lawyer (San Fernando Valley Bar Association)

Showdown Over the Pronoun

David Gurnick, co-author

Valley Lawyer (San Fernando Valley Bar Association)

Learning from 2020's Wild Ride

Kira S. Masteller, author

The Los Angeles Daily Journal

Tax Law Specialist Had a Fun and Meaningful Life, Friends Recalled

Zane S. Averbach & **Mark J. Phillips** quoted

The Los Angeles Daily Journal

San Fernando Valley Bar President Aims to Promote Community

David G. Jones featured

San Fernando Valley Business Journal

Bar Association Elects David Jones as President

David G. Jones featured

The Los Angeles Daily Journal

Reformation of Unambiguous Wills in Light of Estate of Duke