



LEWITT | HACKMAN
SHAPIRO | MARSHALL | HARLAN
A LAW CORPORATION

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/

MAY 2021

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

818.990.2120

lewitthackman.com

16633 Ventura Boulevard
Eleventh Floor
Encino, California 91436

Vanessa Soto Nellis (Certified Family Law Specialist) and **Paul C. Bauducco** successfully opposed and limited a Request for Order seeking massive pre-trial distribution of community property assets in a Family Law Matter. Additionally, Vanessa and Paul successfully moved the case in which trial had begun so that it was reassigned to the original trial judge. Our attorneys also succeeded in getting the date of trial moved up three months, thus achieving a quicker resolution for our family law client.

Kira S. Masteller is working with a family in a probate proceeding that should have been avoided. In this matter, a homeowner in California passed away. The deceased typed up her own Trust document, but called it a Will within the document. If it were a Will, she did not validly sign the document with two witnesses. Because the document was not in the deceased's own handwriting, the document does not meet California's requirements as a valid Holographic Will. Further, the deceased did not appoint anyone as Trustee and did not sign the document as the Grantor or Settlor of the Trust. The resulting probate proceedings will cost the family three times the amount a properly prepared Trust would have cost.

Barry Kurtz and **Kate Wallman** (both Certified Specialists in Franchise & Distribution Law) are working with a franchisor to terminate its agreement with a franchisee. The franchisee attempted to sell his business to a third party without our client's prior consent. In a separate matter, Barry and Kate represent two clients in Australia – both of whom are bringing their licensed businesses into the U.S.

Jana G. Garrotto and **Kyla A. Parrino** successfully sought Motions to Compel Inspection of Land as well as a Request for Production of Documents in a Trust litigation matter. The Motions supported multiple Petitions by our client co-trustee to transfer Trust property back to the Trust after it was improperly transferred out of the Trust by the Respondent. The Motions were granted with sanctions against the Respondent.

Stephen T. Holzer successfully resolved a potentially serious OSHA matter for a client whose employee was seriously injured in an industrial accident. Steve showed that at least one OSHA complaint was not supportable, and negotiated a significant discount regarding the remaining complaints.

Jessica W. Rosen and **David Gurnick** (Certified Specialist in Franchise & Distribution Law) obtained a judgment awarding a client several hundred thousand dollars in damages for conversion and defamation, and an injunction ordering a former co-owner to return the company's social media credentials. The former co-owner started the lawsuit, claiming to be owed money. Jessica and David turned defense into offense, obtaining a substantial judgment against the party who started the lawsuit.

Nicholas Kanter and **Chrystal Ferber** worked with a client in resolving a fiercely contested discrimination case before the California Department of Fair Employment and Housing. The former employee was persuaded to resolve the case early, saving our client from prolonged litigation and possible damages.

Mark J. Phillips (Certified Specialist in Estate Planning, Probate & Trust Law) closed the administration of an irrevocable life insurance trust after the death of a long-time client of the firm. Following a string of unexpected deaths among the family, Mark agreed to serve as trustee, in which capacity he collected and distributed more than \$1 million in insurance proceeds to nine children and grandchildren of our client, and accounted to the beneficiaries. Benefits were provided without interruption or the necessity of court proceedings, at a minimum of cost to the family.

David G. Jones and **Chrystal Ferber** obtained a very favorable early resolution for our business client in an action against a former employee alleging COVID-19 based discrimination and retaliation. The case, pursued by a very prominent civil rights firm, was resolved for a fraction of the employee's opening demand.

Tal Grinblat worked with a client in resolving a dispute with a third party based in Texas who threatened to oppose our client's trademark application. The early intervention cleared the way for the client's mark to proceed to registration without additional delay.

Kevin E. Rex and **Peter L. Ente** represented the owner of a healthcare practice with the seven figure sale of the practice. The representation included negotiating the Letter of Intent, managing the due diligence process, structuring the transaction to comply with state law and existing agreements, and negotiating and preparing an asset purchase agreement, a management services agreement and an employment agreement.

Jessica W. Rosen and **David Gurnick** brought a suit for our franchisor client against a large corporate franchisee and its parent entities, including a public company. The franchisee broke its promise to use best efforts to grow its business, costing our franchisor client lost royalties. Our claims also include declaratory relief, unfair business practices and allegations that the parent entities are alter egos of the franchisee. Defendants moved to dismiss, arguing that the allegations were insufficient. Jessica and David won the motion, with the Court ruling that the allegations are sufficient to state these claims and letting the case go forward.

David G. Jones and **Chrystal Ferber** achieved an outstanding settlement result for a client sued by a former caregiver who claimed she was not paid her full wages. After a full day of pre-litigation mediation, David and Chrystal resolved the case for several hundred thousand dollars less than the caregiver's demand.

Kira S. Masteller represents a client whose husband passed away five years ago. Post death trust administration was never completed. Kira is working to recreate asset values as of the date of death, and allocate the assets between an exemption trust and survivor's trust to take advantage of the estate tax exemption available on husband's date of death. When our client passes, her estate will not include her husband's share of the estate. Since the current estate tax is 40 percent and could increase in the future, our client's children will save a significant amount of tax dollars by completing the allocation planning.

Chrystal Ferber, **Jessica W. Rosen** and **David Gurnick** represented a client in collecting a substantial judgment, won previously at a jury trial conducted by Jessica and David. The Defendant has now paid the money due in the judgment.

Vanessa Soto Nellis represented a client in a prenuptial agreement where the parties each had children from prior marriages, and wanted to keep their assets separate so that they could give the assets to their respective children.

Jana G. Garrotto and **Kyla A. Parrino** reviewed and consolidated a complicated estate plan with irrelevant, ineffective, and conflicting extraneous documents that would be onerous to administer upon the clients' passing. Jana and Kyla created a new all-encompassing estate plan which is up to date, effective, comprehensive and provides as to all of our client's post death wishes.

David Gurnick and **Matthew J. Soroky** (both Certified Specialists in Franchise & Distribution Law) were successful in persuading a client's insurance carrier to withdraw initial denial of coverage and agree to defend a franchisor's trademark infringement claim.

We are growing! We are pleased to announce **Neal I. Ramer** joined our Trusts & Estates Planning Practice Group as an associate attorney in April. Neal earned his Juris Doctor from Southwestern Law School.

David B. Bobrosky and **Thomas Cecil** represented a pedestrian in a hit and run accident on a sidewalk by a person riding a rented electric scooter. Our client broke her knee and could not identify the scooter rental company. David and Tom made an uninsured motorist claim to our client's own auto insurer, who initially denied coverage by pointing out an electric scooter is not a "motor vehicle" under California law. After reviewing our client's auto policy, Tom and David successfully argued that her policy promised broader coverage than required by law. Thus, David and Tom obtained one of the first recoveries of this type under one's uninsured motorist policy.

Sue M. Bendavid represented a client who was accused of wrongfully terminating an employee who was laid off during the COVID-19 pandemic. After advocating on behalf of the client, the former employee dropped the claims.

Vanessa Soto Nellis settled an issue of spousal support in which a spouse financially cut off our client after learning about the divorce filing. In a separate matter, Vanessa successfully opposed a request for child support after the requesting party failed to obtain gainful employment and support his child.

Kevin E. Rex and **Taylor M. Vernon** assisted a client in the media consulting business with the sale of his company to one of the company's biggest customers. In addition to the purchase agreement, the deal included the negotiation of an executive employment agreement including the vesting and issuance of restricted stock in the buyer's company.

Barry Kurtz and **Matthew J. Soroky** are helping a client obtain an early termination of its Franchise Agreement, because of misrepresentations made by the franchisor during the sale of the franchise. In other matters, Barry and Matt are working with separate clients in purchasing a dog training franchise, and a car wash franchise.

David G. Jones resolved a litigated matter for a garment based business client for a very low five figure settlement, despite conceded overtime wages owed and prior complaints by the employee about unpaid wages. The result was achieved without the necessity or expense of mediation.

Barry Kurtz and **Caitlyn Dillon** are preparing franchise disclosure documents (FDD) for a franchisor-to-be in the pizza business. In a separate but similar matter, Barry and Kate Wallman are preparing an FDD for the owner of an eyelash extension business.

Nicholas Kanter and **Chrystal Ferber** persuaded the court to grant all of our client's discovery motions and awarded sanctions in an action against a former tenant.

Stephen T. Holzer participated in the Calabasas Chamber of Commerce's annual Law Day, wherein attorney volunteers advise members of the community on legal questions they may have.

PUBLICATIONS & MEDIA MENTIONS

The Los Angeles Daily Journal
Proving Testamentary Capacity in Suits Involving Tortious Interference with Inheritance
Mark J. Phillips, co-author

Law360
Self-Driving Car Tech in Crosshairs as Feds Probe Tesla Crash
David B. Bobrosky quoted

Valley Lawyer (San Fernando Valley Bar Association)
Just Eat It: California's Meal Break Rules
Nicholas Kanter and **Tal Burnovski Yeyni**, authors

Franchise Law Journal (American Bar Association)
Nuts, Bolts, and Outline for Teaching Franchise Law; Would Socrates Approve?
David Gurnick, co-author

The Los Angeles Daily Journal
Strange New World: Restrictions on the Right to Posthumously Procreate
Mark J. Phillips, co-author

Franchise Times Magazine
Regulatory Watch: Gauging Legislative Impacts on Franchising
Tal Grinblat quoted

San Antonio Lawyer
Charles Manson 50 Years Later - Part I: The Murders
Mark J. Phillips co-author

San Fernando Valley Business Journal
Closed Courts, Stay-at-Home Impact Attorneys
David G. Jones quoted

San Fernando Valley Business Journal
Franchising/Intellectual Property Special Report
Tal Grinblat quoted

The Current Weekly Response (Los Angeles County Bar Association)
LACBA Celebrates Women's History
Jana G. Garrotto featured

San Fernando Valley Business Journal
Legal Markets in Flux
David G. Jones quoted