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Long Shot? Workplace Vaccination Policies: Please join our Employment Practice Group for a complimentary webinar on 9/23/21, regarding vaccination policies in the workplace. The program covers government and industry-specific mandates, exemptions, accommodations, and much more. Register through our website: <https://www.lewitthackman.com/events/>

SEPTEMBER 2021

Recent Professional & Community Accomplishments

Congratulations to the following attorneys, named among the *Best Lawyers in America*: **Michael Hackman** (tax law), **Andrew L. Shapiro** (personal injury plaintiff's litigation), **Sue M. Bendavid** (employment law - management), **David Gurnick** (franchise law), **Kira S. Masteller** (trusts & estates), and **Lynn Soodik** (family law). The above designees were selected for the 2022 edition of *Best Lawyers Magazine*.

Congratulations to **Barry Kurtz** named a *Legal Visionary* in the *Los Angeles and Orange County Business of Law*, a publication of the *Los Angeles Times*.

Congratulations to **Sue M. Bendavid** and **Barry Kurtz** named to *The Valley 200* by the *San Fernando Valley Business Journal*. The list is comprised of 200 professionals and business owners/operators the publication considers the most influential in the area.

Matthew J. Soroky and **David Gurnick** (both Certified Specialists in Franchise & Distribution Law) worked with a former franchisee to settle a claim against the franchisor, indebted to our client because of a years-old dispute. The franchisor claimed inability to pay due to the pandemic. Matt and David showed the parties' agreement did not excuse payment in this event. The franchisor settled with our client.

Sue M. Bendavid successfully argued against a demand that our client defend and indemnify a third party facing an employment claim. Sue convinced the third party there was no reason for our client to satisfy the demands, and the outside party formally withdrew.

Steven L. Feldman favorably resolved a litigation matter for a commercial tenant in a long-standing dispute with a landlord in Santa Clara County.

Vanessa Soto Nellis (Certified Family Law Specialist), **Nancy Martinez** and **Paul C. Bauducco** completed the evidentiary portion of a complex family law trial over the course of two weeks, then completed a detailed written closing brief and agreement.

Keith T. Zimmet represented our client, an owner of equity in a restaurant holding company which, through its subsidiaries, owns and operates a chain of restaurants. Keith guided our client through its acquisition of the other equity interests in the holding company, so that our client became the 100% owner of the restaurant chain.

Sue M. Bendavid and **Nicholas Kanter** successfully resolved a wage and hour class action lawsuit against a large travel industry client. Through the settlement, the client was able to resolve claims for employees located throughout the United States and will avoid several years of litigation, significant legal fees, and the risk of a substantial judgment.

Barry Kurtz and **Katherine L. Wallman** (both Certified Specialists in Franchise & Distribution Law) conducted franchise due diligence and worked with outside M&A counsel to close the acquisition of a chain of franchised Spanish immersion schools for pre-school, kindergarten, after school and other educational classes. In separate matters, Barry, Kate and **Caitlyn Dillon** are working on franchise registrations for a health food restaurant concept, and for an authentic Vietnamese street food concept.

Stephen T. Holzer and **David Gurnick**, representing a telecommunications company, defeated an application for a temporary restraining order. The adverse party is a competitor in a dispute over FCC licensing of airwave frequencies and location of broadcast transmitters.

Kevin E. Rex and **Peter L. Ente** represented a minority shareholder in connection with nine figure sale of a business. Working with company counsel, they assisted in the negotiations of sale and resolution of issues involving new leases – which was especially important as the minority shareholder had a different equity stake in the landlord entity than in the target business.

PUBLICATIONS & MEDIA MENTIONS

David B. Bobrosky obtained over \$1.5 million for a client who broke her ankle at a friend's house party. Our client underwent multiple surgeries after stepping into a hole in the property owner's back yard at night.

Mark J. Phillips (Certified Specialist, Estate Planning, Probate & Trust Law) met with clients concerned about the forthcoming reduction in the amount of the estate tax exclusion, subjecting their estate to increased estate tax on death. Mark created a trust for their grandchildren, funded by the clients each year with \$30,000 per grandchild, which escapes both gift and estate taxation.

Sue M. Bendavid and **Tal Burnovski Yeyni** represented a non-profit client in resolving a discrimination claim. After pointing out all the deficiencies in the employee's arguments, Sue and Tal persuaded her to settle for a small fraction of the initial demand.

Kevin E. Rex and **Taylor M. Vernon** represented a client in the aerospace manufacturing industry with the seven figure stock sale of her company. The transaction required negotiating ever-changing Paycheck Protection Program loan forgiveness details for both buyer and seller, satisfying SBA loan requirements and the leasing of real property owned by the client to the buyer.

Barry Kurtz and **Taylor M. Vernon** represent a franchisee engaged in a dispute with his partners. The group has multiple restaurants in multiple cross-owned companies. The resolution will require an equitable division of the restaurants and companies. In separate matters, Barry and Taylor are working on sub-distribution agreements for a beer distribution client, and worked with outside M&A counsel to close the acquisition of a franchised tax reporting chain for another client.

Vanessa Soto Nellis and **Nancy Martinez** successfully obtained a Judgment of Dissolution for a client who had a long term marriage and had to defend against false allegations. Vanessa and Nancy obtained a mediation settlement awarding our client his property interests.

Taylor Vernon and **David Gurnick** represent an ex-franchisee of a prominent franchise system in an arbitration seeking full value for the franchise pursuant to a contractual obligation of the franchisor to buy back the client's franchise at the end of its term. Taylor and David recently completed a three-day arbitration hearing. The arbitrator will provide a decision after post-hearing briefing.

Jana G. Garrotto and **Kyla A. Parrino** recently won a court order on behalf of a Trustee which mandated that an individual who acted in contempt of a prior court order, execute a Deed to return real property to a Trust from which it had been unlawfully removed.

Jessica W. Rosen and **Paul C. Bauducco** successfully brought multiple motions to compel further responses to discovery, the granting of which will provide information to support a motion for summary judgment which may result in the complete dismissal of the opposing party's cross-complaint.

Barry Kurtz and **Matthew J. Soroky** represent a client considering the purchase of a franchise for a dance studio featuring tap, ballet, jazz, hip hop and lyrical dance lessons for children. In a separate matter, Barry and Matt are developing franchise documents for a client with a chain of cryotherapy studios.

Vanessa Soto Nellis finalized a prenuptial agreement for a couple wanting to opt out of California law and treat their earnings during marriage as separate, instead of community property. In another matter, Vanessa resolved an issue involving two retired parties without community property. Our client received his separate property assets and obtained a buyout of spousal support – thus allowing him to cut all financial ties.

Matthew J. Soroky and **David Gurnick** successfully opposed a motion to dismiss claims that our client brought against a group of defendants for declaratory relief, requiring the defendants to answer the complaint. Matt and David persuaded the judge that the client alleged sufficient allegations to state a claim to require a ruling that defendants will infringe our client's trademark if they proceeded to open and operate businesses using the same name as our client's business.

Tal Burnovski Yeyni co-presented a webinar for attorneys through Strafford Publications, Inc. The 90 minute presentation was entitled, *Mental Health Issues in the Workplace: ADA and FMLA Compliance, Leave as Accommodation, Disability vs. Fear*, and was geared for law professionals across the U.S. Tal also conducted virtual COVID-19 Prevention Plan trainings for our client's employees. The training, required by recent Cal/OSHA regulations, helps employees understand our client's policies to mitigate and prevent COVID-19 hazards at work.

Sue M. Bendavid conducted virtual *Harassment, Discrimination & Bullying Prevention* trainings for our client's employees. The training, required by state law, helps to ensure harassing or discriminating behaviors in the workplace are recognized and reported; and that managers handle such reports in a timely and correct manner.

The Los Angeles Times

If Trevor Bauer testifies at hearing, it could create problems for him
Lynn Soodik quoted

San Fernando Valley Business Journal

Labor & Employment Roundtable 2021: What Business Owners and Executives Need to Know
Sue M. Bendavid, participant

Valley Lawyer (San Fernando Valley Bar Association)

Buying a Franchise: Dream vs. Delusion
Barry Kurtz, author

Valley Lawyer (San Fernando Valley Bar Association)

Meet the 2021 SFVBA Trustee Candidates
Alex J. Hemmlegarn, featured

Franchise Law Journal (American Bar Association)

The First Franchise
David Gurnick, author

Valley Lawyer (San Fernando Valley Bar Association)

The "Fatty" Arbuckle Case: Hollywood's First Celebrity Trial
Mark J. Phillips, co-author

San Antonio Lawyer

Charles Manson 50 Years Later - Part III: The Trial
Mark J. Phillips, co-author

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: Calif. Meal Break Rules
Nicholas Kanter and **Tal Burnovski Yeyni**, authors

Franchise Times Magazine

Regulatory Watch: Gauging Legislative Impacts on Franchising
Tal Grinblat quoted