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NOVEMBER 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

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Tal Grinblat (Certified Specialist in Franchise & Distribution Law) was reappointed as Vice Chair of Legislation for the Business Law Section of the California Lawyers Association for 2021-2022. Tal will present on legislative opportunities for the Business Law Section Standing Committees this month. Tal served this section for over a decade, including as Chair of the Franchise Law Committee in 2008, and again in 2014. **Taylor M. Vernon** is the current Chair of the Franchise Law Committee, and began his second term in that role last month.

Zane S. Averbach represented the trustee of a trust that co-owned a commercial property with another trust for the past 50 years. The beneficiaries of both trusts wished to sell the property, but it was master-leased to a commercial company for the next several decades. A private equity purchaser was identified, who made a lucrative offer, but conditioned the purchase on termination of the master lease. Zane worked with multiple attorneys representing the parties over several months to terminate the lease and close the mid-eight figure sale.

Vanessa Soto Nellis (Certified Family Law Specialist) obtained an expedient settlement on all issues for a client whose spouse was making unreasonably large demands to property and support. At the time of the hearing, the judge set forth the limited issues in the case, and ordered the parties to attempt to settle, which lead to a quick resolution. Additionally, our client was relieved to have a prompt move out date for his ex-spouse.

Barry Kurtz and **Katherine L. Wallman** (both Certified Specialists in Franchise & Distribution Law) reviewed a Franchise Disclosure Document and Franchise Agreement for a client contemplating the purchase of a franchise real estate business to be operated in Spain.

Keith T. Zimmet represented our client in connection with its sale of several large industrial real estate properties.

Sue M. Bendavid and **Kira S. Masteller** represented a client who was being audited for alleged misclassification of workers as independent contractors. Sue and Kira persistently communicated with the auditor and provided information swiftly – the case was closed and the audit cancelled.

Mark J. Phillips (Certified Specialist in Estate Planning, Probate & Trust Law) represented the successor trustee of a trust created by an elderly relative – after it was discovered that the decedent had never transferred the primary asset, the family home, to the trust. Mark worked with **Alex J. Hemmelgarn** to obtain an order from Superior Court transferring the residence to the trust, thus avoiding a time-consuming and expensive probate for our client.

David G. Jones and **Chrystal Ferber** successfully resolved a wage and hour and discrimination lawsuit against a garment industry client. Dave and Chrystal resolved the employee's claims for a fraction of the initial demand and helped the client avoid costly litigation, significant legal fees, and the risk of a substantial judgment.

Tom Cecil accomplished a very rare feat during oral arguments, in which he convinced a judge to reverse his tentative ruling, and ultimately rule in favor of our client. Our firm represents a personal injury client injured by the negligence of an Uber driver. We sued the driver, Uber, and the rental company that provided the vehicle to this negligent rideshare driver. The rental company filed a motion to dismiss the case and the judge was inclined to do so, but Tom persuaded the court to allow the case to proceed against all defendants.

Keith T. Zimmet guided a client through the sale of two companies involved in the chemical testing industry. These transactions included both a stock sale and an asset sale. After months of negotiations and overcoming regulatory hurdles, the sale of both companies successfully closed in September.

Tal Grinblat is working with a pet grooming company to register certification marks in the US Trademark Office. Certification marks are different from trademarks in that they are used to certify that the user has satisfied specific criteria, as opposed to designating source of a company's products or services.

David G. Jones resolved a contentious home caregiver wage and hour claim. Initially, our professional clients represented themselves in litigation and attempted an early mediation. The proceedings ended abruptly with the parties very far apart – a settlement agreement looked out of reach to both sides. Dave stepped in to initiate a second mediation to resolve the conflicts. In a separate but similar caregiver claim, Dave brokered a deal between opposing family factions before resolving the wage and hour claims in mediation.

Matthew J. Soroky (Certified Franchise & Distribution Law Specialist) argued successfully that a former out-of-state franchisee was personally served with a summons and complaint. By providing detailed evidence from the process server and investigator to refute the franchisee's narrative of where they were located on the service date, Matt defeated the franchisee's attempt to invalidate service, set aside the default, and transfer the case.

Barry Kurtz and **Matthew J. Soroky** reviewed a Franchise Disclosure Document and Franchise Agreement for a client contemplating the purchase of a franchised dog care and grooming business, and for another client contemplating the purchase of a frozen ices business.

Paul C. Bauducco settled a Mechanic's Lien case for a contractor client, getting the client paid without the need to proceed to trial.

Barry Kurtz and **Taylor M. Vernon** are doing due diligence for buyers of a multi-unit franchisee with 30+ franchises, and a national franchisor with over 100 units.

Sue M. Bendavid and **Nicholas Kanter** won a motion to compel arbitration that was vehemently opposed by plaintiff's counsel. The Court agreed with Sue and Nick's arguments – the case is now going to be heard by a private judge, thus saving our client from a jury trial.

Andrew L. Shapiro represented a client in his twenties who slipped and fell because of water on a supermarket floor. Our client required a total hip replacement. Andy obtained video surveillance footage and in discovery, found that inspection and cleaning procedures were inadequate. The case was successfully resolved in mediation.

Kira S. Masteller is working with numerous families to make gifts from their estates to grandchildren and children to maximize the use of the current Federal Estate Tax Exemption (\$11,700,000 per person) in the event it is reduced soon via Congress. Families are making direct gifts to beneficiaries, or to Protective Trusts that utilize the estate tax exemption as well as protect the gifted assets in the event a beneficiary divorces or is sued. Some clients are doing philanthropic planning or other methods of planning to make gifts in the manner best for their beneficiaries.

Nicholas Kanter and **Tal Burnovski Yeyni** prevailed on three motions to compel discovery responses. In granting the motions, the court ordered the opposing party to provide further responses and pay monetary sanctions to our client for fees and costs incurred in bringing the motions.

Tal Grinblat is representing a global computer game company in renewing its U.S. trademark registrations and recording its name change with the U.S. Trademark Office, as required by Trademark Office rules. On another matter, Tal is working on registering a post-production company's new logos and expanding the scope of protection for the client's existing registrations.

Kevin E. Rex and **Taylor M. Vernon** worked with a franchisor client in the children's education industry with the buyout of one of the two owners. The transaction included a membership interest repurchase agreement and a stock repurchase agreement to effectuate the buyout. **Tal Grinblat** worked on the post-sale regulatory changes to the client's franchise disclosure document.

Barry Kurtz, **David Gurnick**, **Tal Grinblat**, **Matthew J. Soroky**, **Katherine L. Wallman**, **Taylor M. Vernon**, **Jessica W. Rosen**, and **Caitlyn Dillon** attended the *44th Annual Forum on Franchising*, where franchise developments and issues impacting the franchise industry were discussed. David led one of the meetings at the Forum, for lawyers who teach franchise law at law schools.

PUBLICATIONS & MEDIA MENTIONS

Corporate Counsel

Restaurant Chains Fret They'll Be on Hook for Franchisee Transgressions
Barry Kurtz quoted

Valley Lawyer (San Fernando Valley Bar Association)

The Rule of Law: No One is Above It
David G. Jones, author

The Los Angeles Daily Journal

What to Know About LA's 'Proof of Vaccination' Ordinance

Tal Burnovski Yeyni, author

Valley Lawyer (San Fernando Valley Bar Association)

Confusing Trademarks: The Next Course of Action

Tal Grinblat, author

San Fernando Valley Business Journal

Employers Seek COVID Clarity: Business Awaits Federal Vaccine Rules

Sue M. Bendavid quoted

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. Hemmelgarn, 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