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## 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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**Employment Defense Webinar:** Please join us for our annual Employment Law Update regarding new laws and trending litigation impacting California employers on Wednesday, January 19, 2022. The 90 minute presentation is complimentary, and focuses on the latest COVID-19 rules, settlement and severance agreements, premium pay changes, meal/rest period issues and much more. Visit our Events page: to view details and RSVP with GoToWebinar: <https://www.lewitthackman.com/events/>.

## DECEMBER 2021

### Recent Professional & Community Accomplishments

**Matthew J. Soroky** and **David Gurnick** (both Certified Specialists in Franchise & Distribution Law) obtained judgment for trademark infringement and declaratory relief in Los Angeles Superior Court in favor of a franchisor, against a terminated franchisee. The franchisee previously brought litigation and arbitration against our client, all of which our client won. The franchisee threatened to bring another case, but the court ruled the franchisee had no further claims, enjoined trademark infringement, and awarded monetary relief.

**Kira S. Masteller** and **Kyla A. Parrino** successfully obtained orders in the Los Angeles Superior Court in two separate Guardianship matters for minor children. In these cases, the children either lost their parents or the parents were unable to continue to care for the children. Because of the pandemic, Kira and Kyla were able to have the children and Guardians appear for Court remotely, thus meeting the children's needs for immediate orders.

**David G. Jones** and **Chrystal Ferber** successfully resolved a claim under the Fair Employment and Housing Act against a client in the entertainment industry. Through the settlement, our client was able to avoid several years of litigation, legal fees, and the risk of a substantial judgment.

**Vanessa Soto Nellis** (Certified Family Law Specialist) represented a party in a prenuptial agreement. Both parties owned their separate homes and wanted to preserve their separate property rights.

**Nicholas Kanter** prevailed in an action on behalf of a real estate client without the expense and uncertainty of a trial. After obtaining the requested relief, Nick filed a motion for attorneys' fees asking the court to award all fees and costs incurred by the firm's client in prosecuting the action. The court granted the motion and awarded the firm's client all fees and costs requested.

**Sue M. Bendavid** worked with a client undergoing significant operational changes which entailed shutting down operations in one location; mass layoffs; and rehiring workers in other locations. Sue helped the client by strategizing on messaging to the employees, preparing bonus programs for those who transitioned locations, separation agreements for those who did not, and related issues.

**Tal Grinblat** (Certified Specialist in Franchise & Distribution Law) and **Sue M. Bendavid** (Employment Practice Group) represented a franchisor client being audited by the U.S. Department of Labor. Our client was being questioned about the wage and hour practices of a franchisee. After multiple discussions with the auditor, the franchisor client was found not to be responsible for the wage and hour violations of the franchisee.

**Jessica W. Rosen** and **Paul C. Bauducco** got a hearing on a motion for sanctions and dismissal of a cross-complaint, brought on behalf of a client, advanced to an early hearing date so that it can be heard in time to avoid substantial trial preparation costs. If granted, the motion could resolve the case completely and result in an award of attorneys fees and costs for our client.

**Barry Kurtz** and **Katherine L. Wallman** (both Certified Specialists in Franchise & Distribution Law) are preparing a master franchise agreement and unit franchise agreement for the purchaser of the U.S. franchise rights of an international coffee chain.

**David B. Bobrosky** of our Personal Injury Practice Group obtained a multiple six-figure award for a client who slipped and fell at a discount clothing store. Our client fell on a hanger size marker (indicating size of garment) left on the floor in front of a register. She slipped when she stepped on the size marker, extended her arms to catch herself from falling, and significantly damaged a rotator cuff. David sued the national corporation, claiming this store location was negligent in maintaining their store and in adhering to safety policies.

**Nicholas Kanter** prevailed in a Forcible Detainer action. After the local police refused to remove an individual who unlawfully entered the property owned by the firm's client, Nick filed the Forcible Detainer action and obtained a judgment for possession of the client's property.

**Jana G. Garrotto** and **Kyla A. Parrino** had two petitions granted on behalf of our client Trustee to permanently remove a suspended Co-Trustee. The Co-Trustee absconded with two residences held by the Trust and caused deeds to be recorded to transfer those two pieces of real property back to the Trust, with the Court assessing fees and costs to be surcharged against the former Trustee.

**Sue M. Bendavid** worked with a client who wanted to terminate a nonperforming employee but was concerned about potential legal exposure for wrongful termination. Sue helped the client strategize and document the legitimate business reasons for terminating the employee and counseled the client on how to conduct the separation meeting. The termination went well, the employee signed a full release and even thanked our client for the professionalism in the termination process.

**David G. Jones** and **Chrystal Ferber** secured a favorable pre-litigation settlement for our clients in a multi-employee wage and hour action, thereby ending a nearly two-year dispute and saving our client substantial litigation costs.

**Jessica W. Rosen** and **Paul C. Bauducco** successfully obtained insurance coverage for the defense of a claim against a contractor client in a construction defect case, covering fees and potential damages.

**Nancy Martinez** obtained a mediation settlement awarding our client her property interests and spousal support. Nancy successfully obtained a Judgment of Dissolution for this client who had a long term marriage, after months of stalling by opposing counsel and his client.

**Kira S. Masteller** and **Neal I. Ramer** successfully filed an ex parte petition to get a new Trustee appointed when all named Trustees of a Trust passed away. Kira and Neal received the Court order in less than 10 days, now enabling the newly appointed Trustee to proceed with the trust's administration without delay.

Congratulations to **Zane S. Averbach**, who is now a grandfather to 10 children. Baby Mia was born last month, and is only the second granddaughter to join the Averbach clan. Mia and her family are all doing well.

**Jessica W. Rosen** and **David Gurnick** represented a cosmetics manufacturer in bringing and settling federal litigation against a terminated, European distributor. Jessica and David got the federal court in Los Angeles to exercise jurisdiction over the European company and its individual officers. Our client received substantial payment owed for merchandise, as well as a resolution for all cases with claims and counterclaim in both Europe and the U.S.

**Sue M. Bendavid** and **Tal Burnovski Yeyni** represented several clients whose employees were diagnosed with and/or exposed to COVID-19 during work hours. Given the ever changing laws surrounding the pandemic, Sue, Tal, and the rest of their team have been keeping a tab on the numerous laws and provide every day assistance as employers try to navigate the myriad issues.

**Barry Kurtz** and **Matthew J. Soroky** are working to get an area developer in a restaurant chain reinstated after being terminated by the franchisor. In separate matters, Barry and Matt are reviewing franchise documents for potential buyers of a sandwich franchise, a bakery franchise and a dessert franchise.

**Kira S. Masteller** and **Stephen T. Holzer**, on behalf of a Trustee, prevailed on a Summary Judgment Motion against a claimant, a Trust beneficiary who was trying to avoid the claims statute of limitations bar of her claim.

**Tal Grinblat** represented a franchise client in resolving a claim by the California Department of Financial Protection and Innovation. The client was accused of violating a condition to the registration of its franchise. Tal negotiated a resolution where the client was not required to pay any fines or undertake other remedial action.

**David G. Jones** and **Chrystal Ferber** drafted policies and agreements for an international client with an entirely remote workforce. In doing so, Dave and Chrystal provided counsel on wage and hour and other practical concerns to protect our client.

**Kira S. Masteller** and **Stephen T. Holzer**, on behalf of a Trustee, prevailed on a Summary Judgment Motion against a claimant, a Trust beneficiary who was trying to avoid the claims statute of limitations bar of her claim.

**Tal Grinblat** filed several certification mark applications on behalf of a client in the dog grooming industry. A certification mark, unlike a trademark, indicates that the individuals so certified have met the certifier's educational or other standards.

**Sue M. Bendavid** served as a presiding judge in Loyola Law School's National Moot Court competition. The event helps law students with their trial advocacy skills. Sue participates as a judge each year and has served as a presiding judge on multiple occasions.

## 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