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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 very pleased to congratulate our **2022 Super Lawyers!** Of the many attorneys nominated in Southern California, less than five percent are named *Super Lawyers*, by *Super Lawyers Magazine*. This year's designees include: **Zane S. Averbach** (Business & Corporate), **Paul C. Bauducco** (Business Litigation), **Sue M. Bendavid** (Employment & Labor, management), **David B. Bobrosky** (Personal Injury, Plaintiff), **Steven L. Feldman** (Real Estate), **Tal Grinblat** (Franchise/Dealership), **David Gurnick** (Franchise/Dealership), **Stephen T. Holzer** (Environmental), **David G. Jones** (Employment & Labor), **Jeffrey A. Kobulnick** (Intellectual Property Litigation, and selected to the *Southern California Top 100*), **Barry Kurtz** (Franchise/Dealership), **Kira S. Masteller** (Estate Planning & Probate), **Vanessa Soto Nellis** (Family Law), **Mark J. Phillips** (Estate Planning & Probate), **Andrew L. Shapiro** (Personal Injury, Plaintiff), **Lynn Soodik** (Family Law), and **Keith T. Zimmet** (Business & Corporate).

Kira S. Masteller settled a family trust matter for two siblings who objected to the Trustee (a third sibling) overpaying Trustee fees and commissions to himself. Our clients further questioned the validity of the Trustee's filed Court accounting, and were headed into litigation. Kira worked with our clients and the Trustee's attorney to obtain a settlement, which overcame the need for the siblings litigating against one another and spending a great deal of the inherited funds to do so.

Barry Kurtz (Certified Specialist in Franchise & Distribution Law) and **Taylor M. Vernon** were enlisted by a national mergers & acquisitions law firm to conduct a due diligence review for the purchaser of an entire franchise system from a franchisor. The seller is an internationally known language instruction center franchisor.

Sue M. Bendavid worked with an employer in managing the separation of a difficult employee who had a number of potential claims. After discussing the various legal issues impacted by a potential termination, the employer was able to document the grounds for termination and procure a voluntary resignation with a signed release.

John B. Marshall represented a client in the completion of a \$17 Million real estate sale, which needed to close by year end. The transaction involved intense negotiations and rewriting of various terms of the agreement over the holidays, but John successfully closed the deal before the start of 2022.

Jessica W. Rosen and **David Gurnick** (Certified Specialist in Franchise & Distribution Law) represented a client in settling claims brought against an ex European distributor of the client's products.

Mark J. Phillips (Certified Specialist in Estate Planning, Probate & Trust Law) and **Zane S. Averbach** capped six months of intense negotiation between our client, the successor trustee of a trust following the death of his parents, and disgruntled grandchildren who objected to the proposed distribution of \$10 million in trust assets. Working with opposing counsel, a global settlement was entered into with all beneficiaries, avoiding further litigation in the Superior Court.

Tal Grinblat and **Katherine L. Wallman** represented a whiskey maker whose mark was deemed confusingly similar to that of another brand, by the Trademark Office (TO). While the TO's cited registration contained some similar elements, Tal and Kate showed that the marks overall conveyed a completely different impression—our client's mark was primarily a first/given name while the cited registration was a surname. By providing evidence in support regarding the overall differences in commercial impression, Tal and Kate persuaded the examiner to reverse her refusal and approve the client's mark for publication.

Vanessa Soto Nellis (Certified Family Law Specialist), **Nancy Martinez**, and Paralegal **Joni Davis** represented an out of state client in settling his divorce matter via online mediation with a retired judge. This allowed our client to obtain an expedient resolution and avoid the time and expense of court proceedings.

Keith T. Zimmet negotiated the renovation of a large office complex. The transaction incorporated the involvement of numerous owners, architects, and engineers to coordinate the transformation of multiple buildings and cross-easements.

David B. Bobrosky of our Personal Injury Practice Group recently resolved a pedestrian accident case, which resulted in a broken foot for our client, that did not require surgery. David learned that the collision report found our client completely at fault for the incident, and our client's own employee provided a statement to police placing our client at fault. David took a strong deposition of the defendant driver, which completely flipped liability in the case. Defendant's insurer eventually paid the six figure policy limits demand. David is now pursuing additional damages through our client's large underinsured motorist policy.

Kira S. Masteller settled a matter between siblings who were appointed co-trustees. One sibling took over all of the accounts and information leaving our client in the dark, and proposed a distribution of assets that favored that sibling without providing "true" information. The trust amendments were questionable in this case and litigation was likely. Working with the opposing attorney, Kira obtained additional information for our client and provided a solution for distribution without any court filings.

Tal Grinblat overcame a refusal from the Trademark Office in which the Examiner asked our client in the medical equipment field to disclaim a portion of their mark. After providing evidence to the Examiner that the mark was not descriptive and therefore did not require a disclaimer, the Examiner approved the mark for publication.

Steven L. Feldman commissioned a Phase 1 Environmental Site Assessment of a commercial property and then evaluated the supporting documentation for the significance of a finding that there is a Recognized Environmental Condition at the property.

Matthew J. Soroky (Certified Specialist in Franchise & Distribution Law) represents a restaurant franchisor in negotiations to resolve a dispute with an aggrieved franchisee in another state. In a separate matter, Matt is representing a franchisee seeking to rescind a development agreement with a franchise company that did not register its franchise offering prior to the sale.

David Gurnick represented a client in negotiating an agreement among co-authors for a book addressing a popular subject in business and personal management.

Tal Burnovski Yeyni worked with a client to amicably separate a disgruntled employee. The employee signed a separation agreement which included a release of work-related claims, thus offering our client peace of mind, and some security in knowing that future claims from this person will be unlikely.

Barry Kurtz and **Peter L. Ente** represented a franchise company in redeeming the ownership interests of one of the company's founders, in each of the three limited liability companies that comprise and operate the franchise business.

John B. Marshall and **Kira S. Masteller** represented a sibling who bought property from his parents years ago but discovered when he tried to sell that the parents transferred the property incorrectly. The other siblings in the family would not cooperate in signing off on the title and allow the sale (the parents had since died). John and Kira scrambled during escrow to work out a settlement agreement between the siblings, obtaining the needed documents to clean up title for our client to complete the intended sale.

Sue M. Bendavid represented a client who wished to modify a long-term employee's complex employment agreement. The updated agreement reflects significant changes to the terms and conditions of employment – including the employee's bonus, commission, severance, and more.

David B. Bobrosky represented a client who suffered hearing loss in one ear due to airbag deployment following an accident. David recovered the at fault driver's minimum policy limits, and then went on to collect our client's full six figure policy limits of his underinsured motorist policy, despite only a few medical visits and no other injuries. This is yet another example of why we all should carry as much uninsured/underinsured motorist coverage as we can afford.

Vanessa Soto Nellis worked with a client in finalizing her prenuptial agreement after two years of negotiations due to COVID-19 wedding delays. The couple was happy to finally celebrate their wedding.

Sue M. Bendavid and **Tal Burnovski Yeyni** conducted their annual employment defense update focusing on the new federal, state, and local laws affecting California employers. This year, the majority of the material featured a host of overlapping mandates regarding COVID-19 – such as mask requirements, sick leave obligations, and isolation and quarantine periods. Sue, Tal, and our other employment attorneys have all been fielding COVID-19 questions daily from our employer clients. Sue also presented a similar program for an insurance company's business clients – hundreds attended the sessions.

We are growing! We are pleased to announce the addition of **Jeffrey A. Kobulnick** as a Shareholder to our firm. Jeff is an experienced intellectual property (IP) attorney working in both IP transactions as well as litigation. He represents clients in protecting and enforcing copyrights and trademarks throughout the world, including domain name and Internet issues.

PUBLICATIONS & MEDIA MENTIONS

San Fernando Valley Business Journal
*Labor & Employment 2022:
Roundtable Discussion*
Sue M. Bendavid, participant

The Los Angeles Daily Journal
*Tangled Rules for Modification of
Revocable Trusts*
Mark J. Phillips, co-author

Valley Lawyer (San Fernando Valley Bar Association)
The Rule of Law: No One is Above It
David G. Jones, author

San Fernando Valley Business Journal
L.A. Vaccine Mandate Starts Monday
Lewitt Hackman Client Advisory

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

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

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

Valley Lawyer (San Fernando Valley Bar Association)
*Buying a Franchise: Dream vs.
Delusion*
Barry Kurtz, author

Los Angeles County Business of Law (a publication of the *Los Angeles Times*)
Legal Visionaries
Barry Kurtz featured

Valley Lawyer (San Fernando Valley Bar Association)
*The "Fatty" Arbuckle Case:
Hollywood's First Celebrity Trial*
Mark J. Phillips, co-author