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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/

APRIL 2022

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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Congratulations to **Nancy Martinez**, honored with a *Pro Bono Volunteer of the Year Award* by the Harriett Buhai Center for Family Law. The organization provides free legal services and education to impoverished families and victims of domestic violence. The center assists up to two thousand individuals and families annually.

Steven L. Feldman represents a client in the chemical manufacturing and distribution business. Steve successfully negotiated and prepared a ground lease and ancillary agreements for a major new manufacturing site, and another site for a new chemical and storage distribution center.

Barry Kurtz and **Katherine L. Wallman** (both Certified Specialists in Franchise and Distribution Law) are working on license agreements for a virtual brand client. The licenses will be used by franchisors and franchisees preparing food products for digital ordering and delivery.

Kira S. Masteller and **Kyla A. Parrino** successfully petitioned the court to have a poorly performing executor removed in a probate matter. Our client was appointed to take over as administrator of the estate to get it completed after a two year stall by the original executor.

David Gurnick (Certified Specialist in Franchise & Distribution Law) represented a prominent franchise brand in claims against a multi-unit franchisee. A settlement was negotiated – the franchisee’s multiple locations will be marketed and sold and the franchisee will exit the system.

Vanessa Soto Nellis (Certified Family Law Specialist) negotiated and prepared a prenuptial agreement for a client interested in keeping family businesses her parents worked so hard for, within their family. The parties agreed that inherited assets should not be used to pay the other party’s spousal support and fees in the event of a divorce.

Barry Kurtz, Kevin E. Rex and **Taylor M. Vernon** are working with a franchisor in purchasing franchisee-owned businesses to convert to company-owned businesses.

David G. Jones represented a publicly traded Canadian business in connection with the termination of one of its former employees. The employee filed a federal OSHA whistleblower complaint contending that he was fired in retaliation for reporting certain tax irregularities related to the payment of wages of the employees of a recently acquired company.

Keith T. Zimmet represented our client in the purchase of a retail shopping center. The new center is anchored by a nationally known tenant. In addition, the purchase completed our client’s 1031 Exchange, which permitted our client to defer paying taxes from the sale of other property previously owned by our client. Keith previously represented our client in the sale of that property as well.

Sue M. Bendavid and **Chrystal Ferber** resolved a hotly contested sexual assault case. The case involved serious allegations of alleged abuse and a hostile work environment. After days of deposition testimony, and after pointing out the numerous inconsistencies with the plaintiffs’ allegations and asserted damages, the plaintiffs agreed to resolve their disputes on very favorable terms to the client.

Mark J. Phillips (Certified Specialist, Estate Planning, Probate & Trust Law) resolved a trust dispute in mediation, ending years of litigation between our clients – the children of the decedent – and a surviving spouse who was not their mother. The settlement sum was less than 20 percent of the surviving spouse’s demand, and our clients all avoided an emotionally and financially draining court trial.

Nancy Martinez successfully obtained an order from the Court awarding our client sole-decision making authority regarding COVID-19 vaccines and booster shot for his minor child. The parents did not agree on this issue, a now common occurrence in custody matters.

Kevin E. Rex worked with a client on the sale of a 50 percent interest in a piece of real property in Virginia. The resulting sale culminated in the final division of assets between an ex-wife and her ex-husband. In a separate matter, Kevin is working with a corporate client and its investment banker in evaluating potential suitors in connection with the potential sale of the business and the real property associated with the business.

Andrew L. Shapiro obtained a six figure mediation settlement for a client who rear-ended a City bus. The bus broke down, and the driver had to stop in an area where there were no street lights. Additionally, warning lights at the rear of the bus were not working. The bus driver stated that because of the volume of traffic passing his bus, he was afraid to place warning flares or cones behind the vehicle.

Jana G. Garrotto and **Kyla A. Parrino** successfully brought Petitions for Attorney's Fees which were granted by the Court for the fees incurred during two years of litigation wherein our client Trustee sought to gain control of real property that was wrongfully taken by a now removed Co-Trustee. The fees granted by the Court in the amount of approximately \$300,000 will be surcharged against the share of the removed Co-Trustee who was also a beneficiary of the Trust.

Steven L. Feldman successfully resolved an *Americans with Disabilities Act* lawsuit filed in Federal Court against our client who is an owner of a commercial strip center.

Jessica W. Rosen and **David Gurnick** won a hotly-contested motion in Superior Court. The Court ordered the other side to produce requested documents, including those located in a foreign country, and also required the other side to reimburse our client for attorney fees for the motion.

Vanessa Soto Nellis represented a client involved in mediation to protect his interests. While the mediator worked with the parties to reach a settlement, each party needed separate counsel to address his/her interests.

Kevin E. Rex represented an accountant in purchasing an interest in an existing accounting practice from the senior partners of that practice. Kevin also, in another matter, worked with a client in selling her insurance business, by negotiating the sale which included an employment agreement and an earn-out based upon the post-closing performance of the business.

Nancy Martinez and **Paul C. Bauducco** successfully brought a motion to bifurcate a client's dissolution proceeding as to marital status, terminating the client's marital status, despite the opposition of his former spouse.

Barry Kurtz and **Matthew J. Soroky** (Certified Specialists in Franchise & Distribution Law) represented a franchisee client in its successful separation from its franchisor's system. In separate matters, Barry, Matt and Caitlyn Dillon are preparing default notices and termination agreements for a franchisor client.

Gayane Ghandilyan and **David Gurnick** defended a clothing manufacturer in federal copyright litigation. The plaintiff claimed our client made items using the plaintiff's copyrighted fabric pattern. Gayane and David investigated whether the copyright owner gave authorization to a fabric manufacturer who supplied the client. The case settled for a modest payment covering all who bought and resold our client's products.

Keith T. Zimmet successfully guided our client through the termination of various easements which were directly and negatively impacting our client's real property.

Sue M. Bendavid and **Nicholas Kanter** obtained dismissal of two *Private Attorneys General Act* (PAGA) lawsuits initially filed as class actions based on alleged violations of the Labor Code. Sue and Nick obtained an order denying class certification but the plaintiffs in both actions continued to pursue the lawsuits under PAGA. Sue and Nick successfully filed a motion to dismiss the lawsuits pursuant to a statute under which a court may dismiss an action pending for over five years.

Kira S. Masteller and **Kyla A. Parrino** are working with multiple clients to utilize their entire Federal Gift Tax Exemption (currently \$12,060,000 each) to maximize the amount of assets that parents can give to their children without estate or gift tax prior to the change in the law pending at the end of 2025 (returning to \$5,000,000 per person on January 1, 2026 – subject to an inflation adjustment). This includes direct gifts of assets; the use of Family Limited Partnerships and gifts of limited partnership interests, gifts of minority or non-voting LLC Member shares, and other tax planning tools.

David Gurnick served as neutral mediator in a case between a franchisor and former franchisee of a pizza restaurant chain. David assisted the parties and their respective legal counsel in negotiating a full settlement of all disputes between them.

Vanessa Soto Nellis and opposing counsel used a creative approach in negotiating prenuptial agreement with a short deadline – all parties and counsel met in person at the future family residence and were able to quickly resolve all terms so that the parties could marry as planned.

Kevin E. Rex, **Peter L. Ente**, and **Taylor M. Vernon** are currently working with numerous clients in connection with the potential sale of their respective businesses.

Kira S. Masteller, **Jana G. Garrotto**, and **Kyla A. Parrino** are working through numerous Property Tax Reassessment issues with the Assessor's office as a result of parent/child transfer documents previously ignored by the Assessor's office when the parent/child exclusion transfer documents were filed with the recorded transfer deeds. We have successfully reversed numerous reassessments.

Matthew J. Soroky recently presented in TexasBarCLE's 13th Annual *Essentials of Business Law*. Matt's webinar, *Employment Issues in Franchising*, focused on the Federal PRO Act, California's Assembly Bill 5, and joint employer issues.

PUBLICATIONS & MEDIA MENTIONS

FORUM, (a publication of the *Consumer Attorneys of California*)

Protecting the Brain Injury Survivor from Unscrupulous Defense Neuropsychologist Testing
Thomas Cecil, author

Valley Lawyer (San Fernando Valley Bar Association)

Ancient Legal Maxims: Still Alive and Still Useful
David Gurnick, author

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