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MAY 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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**Barry Kurtz** and **Matthew J. Soroky** (Certified Specialists in Franchise & Distribution Law) provided an international franchisor with creative solutions to resolve a complex dispute involving an owner of 17 franchises and the owner's former spouse. In separate matters, Barry and Matt represented a multi-unit restaurant developer in responding to an unlawful termination notice, which resolved a dispute over the development schedule and enabled the parties to continue the relationship.

**Sue M. Bendavid** worked with a client in documenting reasons for terminating a long-term, key employee. The termination went well and the employee was grateful for the severance the employer provided to help ease his transition to other employment.

**Tal Grinblat** and **Katherine L. Wallman** (Certified Specialists in Franchise & Distribution Law) represented a yoga industry client whose trademark was refused based on grounds that it was descriptive. Tal and Kate worked with the client to provide massive evidence the mark acquired distinctiveness. The Trademark Examiner withdrew her refusal and approved our client's application for registration.

**Kira S. Masteller** negotiated a settlement agreement between siblings who are equal beneficiaries of their parents' trust with numerous real properties. Ultimately the parties were able to agree to sell an asset and raise cash to equalize the beneficiaries receiving lesser valued properties, so that all beneficiaries are treated fairly. The settlement helped to avoid Court proceedings, and saved the siblings thousands of dollars.

**Steven L. Feldman, Kevin E. Rex** and **David Gurnick** provided guidance to an industrial products manufacturer on antitrust compliance and avoiding the pitfalls of unlawful pricing practices.

**Vanessa Soto Nellis** (Family Law Certified Specialist), **Nancy Martinez** and **Paul C. Bauducco** successfully argued a motion for fees in a dissolution matter, defeating a request by our client's former husband that she pay over a million dollars in attorneys' fees and costs incurred by him.

**David G. Jones** obtained a full dismissal of a whistleblower complaint, convincing an Occupational Safety and Health Administration (OSHA) investigator that our client, a publicly traded Canadian business, did not engage in wrongful activity. The consequences of a federal whistleblower action initiated by OSHA can be significant. The victory allows our client to avoid the cost of a contested hearing or lawsuit altogether.

**Kyla A. Parrino, Kira S. Masteller** and **John B. Marshall** are working with clients to clear up a property title issue wherein a sale occurred between family members many years ago and no documentation was recorded at the time. The problem left the title vested in a deceased family member's name, though that family member no longer actually owned the property.

**Mark J. Phillips** (Certified Specialist, Estate Planning, Probate & Trust Law) and **Zane S. Averbach** obtained bridge financing following the settlement of a lawsuit between beneficiaries of a trust. The settlement called for one beneficiary to purchase the interest of the other. Mark and Zane worked through the intricate details of a highly complex trust with real property to secure the loan. Once secured, the objecting beneficiaries were paid and the contested property distributed to the purchasing beneficiary.

**Gayane Ghandilyan** and **David Gurnick** (a Certified Specialist in Franchise & Distribution Law) represent a prominent restaurant chain defending *Americans With Disabilities Act* claims. While the ADA has legitimate objectives, many businesses face a wave of shakedown suits by plaintiffs bringing a high volume of cases on tenuous grounds, seeking a quick settlement as a profit-making business, rather than legitimate ADA grievances.

**Kevin E. Rex** and **Taylor M. Vernon** represented a client in the physical therapy industry regarding the sale of his business. The seven figure transaction included a pre-sale restructuring and the negotiation of several ancillary agreements, including a management services agreement, employment agreement and transition services agreement.

**David G. Jones** and **Gayane Ghandilyan** won a critical motion for a small business owner who suffered significant economic hardship due to the COVID-19 pandemic and had to shut down its business. Prior to the client retaining our firm, the opposing side propounded discovery including admission requests and the requests went unanswered. Opposing counsel then obtained an order deeming the facts admitted and used those admissions to file a motion for summary judgment. After the client retained our law firm, Dave and Gayane immediately filed a motion to withdraw the admissions, which was granted. The hearing for summary judgment has come off calendar, leaving our client in a more defensible position.

**Nancy Martinez** and **Paul C. Bauducco** successfully brought a motion to bifurcate a dissolution matter as to marital status on behalf of our client, thus terminating the marriage while reserving financial issues for trial.

**Tal Grinblat** represented a restaurateur whose trademarks were refused on the grounds they were confusingly similar to an existing registration. Tal petitioned to cancel the cited registration as the owner went out of business several years ago. The Trademark Trial and Appeal Board granted Tal's request, thereby permitting our client's marks to proceed. In a separate matter, Tal persuaded a Trademark Examiner to withdraw her refusal. The examiner took the initial position that the client's mark described the type of food products offered at the client's restaurant. Tal pushed back, and the examiner re-evaluated and agreed to approve our client's mark for publication.

**Sue M. Bendavid** conducted a personalized client training for line managers of a company with several hundred employees. The training focused on the managers' responsibilities in ensuring their subordinates properly record their work time and take all required meal and rest breaks. Employers reduce the risk of potential wage and hour claims by providing this crucial training to managers, and stressing the importance of compliance.

**Barry Kurtz**, **Katherine L. Wallman** and **Taylor M. Vernon** are working with an outside law firm on a franchise due diligence review for an international client purchasing over 40 restaurant franchises in the United States. In separate matters, Barry and Kate are preparing master and unit franchise disclosure documents for an international client bringing its restaurant franchise concept to the U.S.

**Tal Grinblat** responded to multiple refusals that were issued by the Trademark Office for a client in the marijuana industry, all of which claimed the products were unlawful under Federal law. Tal presented evidence why the products applied for were lawful in that the THC levels were compliant with Federal law in this regard.

**Kira S. Masteller** and **Neal I. Ramer** are setting up an Irrevocable Life Insurance Trust for life insurance on the client's life which will not be included in the client's estate. The death benefit will be held for the client's spouse for her use during her lifetime without being included in her taxable estate. The policy benefits will ultimately pass to the children following both parent's deaths, providing liquidity to pay any estate tax without having the insurance benefit taxed.

**David Gurnick** prepared agreements for providing maintenance services to facilities of one of the nation's leading online sales and delivery companies and for providing CPAs a program of services they can provide to their clients. In a separate matter, **David Gurnick** and **Taylor M. Vernon** prepared an agreement for the development of a distinctive restaurant with a nostalgic brand and image at a new entertainment theme park.

**Jessica W. Rosen** and **Paul C. Bauducco** successfully opposed an ex parte application to continue a jury trial for our client, defeating an attempt by the opposing party to delay the trial until February of 2023.

**Barry Kurtz** and **Taylor M. Vernon** are reviewing franchise documents for a multi-concept franchisee purchasing development rights for an American tavern food franchise with a European influence. In separate matters, Barry, **Katherine L. Wallman** and **Jessica W. Rosen** are preparing a franchise disclosure document for a Southern California pizza chain.

**Sue M. Bendavid** spoke at a PIHRA (Professionals in Human Resources Association) event on the "Top 10 Mistakes Employers Make." Sue answered questions by the attendees on steps they can take in handling employee matters.

We are growing! We are pleased to welcome **Heidy A. Nurinda**, an associate joining our Business Litigation, Franchise & Distribution, and Intellectual Practice Groups. Heidy earned her juris doctor at Southwestern Law School.

## PUBLICATIONS & MEDIA MENTIONS

**Valley Lawyer** (San Fernando Valley Bar Association)

*Proposition 65: Primer and Alert*  
**Stephen T. Holzer** and **Steven L. Feldman**, authors

**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