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**LEWITT | HACKMAN**  
SHAPIRO | MARSHALL | HARLAN  
A LAW CORPORATION

818.990.2120  
lewitthackman.com

## 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 Seminar/Webinar:** Please join us for our annual Employment Law Update in December. The two hour presentation will be held in person on Wednesday, December 7, 2022 (seating is very limited, you must RSVP); or online on Thursday, December 8, 2022. Both sessions are complimentary for our clients. Visit the Events page on our website for RSVP details: <https://www.lewitthackman.com/events/>

## NOVEMBER 2022

### Recent Professional & Community Accomplishments

We are pleased to announce that once again, Lewitt Hackman is named a **Best Law Firm**, as published by *Best Lawyers* magazine and *U.S. News and World Report*. 2023 marks the ninth consecutive year our firm was recognized as such.

Congratulations to **Jessica W. Rosen**, elected a Fellow of the American Bar Foundation (ABF). Selectees are nominated by their peers and make up a group of professionals dedicated to the highest principles of the legal profession and the welfare of their communities. Only one percent of licensed attorneys in a given jurisdiction are selected by the ABF Board.

**Tal Grinblat** worked with an author who discovered unauthorized, free online access to one of his books in India. Tal contacted the infringer to demand the immediate removal of the e-book and developed a strategy to get the book removed if no response was received. The infringer removed the book within days.

**Jana G. Garrotto** and **Kyla A. Parrino** filed a petition in a matter where a spouse inadvertently left interests in several real properties and deeds of trust in his name. The petition seeks to transfer those interests to the surviving spouse of the family trust.

**Vanessa Soto Nellis** (Certified Family Law Specialist) protected various investments owned by our client's family with a premarital agreement. The family expressed concerns assets could be used to pay for support or attorneys' fees in the event of a divorce.

**Mark J. Phillips** (Certified Specialist in Estate Planning, Probate & Trust Law), **Zane S. Averbach**, and **Alex J. Hemmelgarn** obtained an expedited resolution regarding an improper property tax re-assessment held by a trust, following the death of the trust's settlor. Despite the backlog of requests at the Assessor's Office, our attorneys represented our client in successfully avoiding years of unnecessary property tax payments. Mark, Zane and Alex also expedited the refund of excess property taxes already paid.

**Kevin E. Rex, Keith T. Zimmet, Peter L. Ente, and Taylor M. Vernon** advised the majority owner of two companies in the cloud computing service industry in connection with the sale of both companies. This multi-million dollar transaction achieved national attention, including in *The Wall Street Journal*, and involved, among other things, complex negotiations with both the buyer as well as with the other co-owners of the companies.

**Sue M. Bendavid** consulted with a client for months regarding the ongoing needs of a disabled employee. Sue helped our client identify reasonable accommodations and any undue hardships in implementing the accommodations; balanced against the qualifications of the employee. When presented with this analysis, the employee ultimately understood our client's position, and voluntarily resigned.

**Barry Kurtz** (Certified Specialist in Franchise & Distribution Law), **Taylor M. Vernon**, and **Caitlyn Dillon** were engaged by an outside law firm to help handle due diligence for the purchase of quick service restaurants. The transaction is complex, involving more than 150 restaurants in Central America.

**Kira S. Masteller** created a life insurance trust for a couple with a taxable estate. The couple purchased second to die life insurance to provide the trustee with cash upon the deaths of both spouses to pay the estate tax without having the life insurance proceeds included in their taxable estate. The estate tax savings for the children will exceed \$2,000,000.

**John B. Marshall** represented a private nonprofit school to complete a multi-million dollar acquisition of a property adjacent to its existing campus. The complex transaction involved an extended series of negotiations, a lot split of a larger property, evaluation of unusual existing leases, and other due diligence. John also evaluated financing through a combination of taxable and nontaxable loans available to nonprofit entities, and many other complex details.

**Steven L. Feldman** worked with environmental consultants in convincing the state regulator to accept a remedial action plan proposed by our manufacturing client regarding an accidental release of potentially hazardous material. The state's agreement will save our client significant amounts in time and costs.

**Jana G. Garrotto** and **Kyla A. Parrino** represent a client who inherited a primary residence from her parent. Under the new regulations per California's *Proposition 19*, Jana and Kyla are coordinating with the Assessor's Office to allow our client to retain the property tax basis of her parent.

**Sue M. Bendavid** and **Gayane Ghandilyan** negotiated a settlement of an employee claim – the employee worked for the employer for several years. After standing firm regarding the employer's defenses to the claim, the employee agreed to walk away in exchange for a nuisance value of \$2,000 as severance.

**Barry Kurtz** and **Matthew J. Soroky** (Certified Specialists in Franchise & Distribution Law) are working with a franchisee who believes its franchise was wrongfully terminated by the franchisor. In a different matter, Barry and Matt represent a client who wants to exit the franchise system because of continuing annual losses.

**Jana G. Garrotto** and **Kyla A. Parrino** filed a petition in a matter where a spouse inadvertently left interests in several real properties and deeds of trust in his name. The petition seeks to transfer those interests to the surviving spouse of the family trust.

**Steven L. Feldman** negotiated and finalized a complex industrial lease for a client who packages and distributes hazardous materials in its operations. In a separate matter, Steve also finalized a lease addendum for another manufacturing site which significantly broadened the client's authorized use of the premises.

**Sue M. Bendavid** represented a client investigating discrimination and whistleblower claims by a former employee. Sue worked with the client to assess all allegations and document the results of the investigation.

**Matthew J. Soroky** and **Jeffrey A. Kobulnick** successfully defended a franchisor client facing various fraud and unfair practices claims brought by a franchisee in federal court, by persuading the court that the claims should be dismissed without leave to amend because they were preempted by the *California Franchise Investment Law* and barred by a statute of limitations. The case has been amicably resolved.

**Barry Kurtz** and **Katherine L. Wallman** (Certified Specialists in Franchise & Distribution Law) represent two, separate clients looking to franchise in Australia and Hong Kong, respectively. Our attorneys are reviewing and preparing letters of intent and franchise documents for each client. In separate matters, Barry and Kate are working on initial franchise registration for a pet care business; and reviewing franchise disclosure documents for a client buying a restaurant franchise.

**Jeffrey A. Kobulnick** and **Taylor M. Vernon** sent cease and desist letters to two different companies using a client's federally registered trademark for similar services. Both parties complied with our demands to stop using the client's mark, and also paid money to the client. For another client in the cosmetic eyecare industry, Jeff obtained federal trademark registrations for several forms of trade dress after the client had been advised by other attorneys that such protection could not be obtained.

**Steven L. Feldman** settled a contentious and highly litigated civil partition action, which included a multi-million dollar cash buy-out of our client's interest for 2.5 times the amount of the original offer.

**Taylor M. Vernon** presented *Fundamentals of Asset Purchase Agreements* to the members of the Los Angeles Paralegal Association.

**Stephen T. Holzer** served as moderator for a Los Angeles County Bar Association expert panel discussion regarding DDT (dichloro-diphenyl-trichloroethane) contamination affecting Palos Verdes coastlines and the Pacific Ocean.

**Sue M. Bendavid** presented *COVID-19: What Employers Need to Know NOW* to over 1,000 in-person and virtual attendees at the Professionals In Human Resources' annual California Employment Law Update. Sue also worked with several clients to assess compliance with various OSHA rules regarding heat wave policies; and with other employers regarding harassment and discrimination prevention training for supervisors and employees. This training is legally required for most employers in the State of California.

**David G. Jones** served as a guest lecturer at California State University, Northridge for a group of advanced business students. Dave provided insights regarding current trends in state and federal employment laws, and their impacts on employers in California.

## Publications & Media Mentions

### **Best Lawyers Magazine**

*2023 Best Lawyers*

**Sue M. Bendavid, David Gurnick, Michael Hackman, Jeffrey A. Kobulnick, Barry Kurtz, Kira S. Masteller, Andrew L. Shapiro, Lynn Soodik** selected; **Jessica W. Rosen** named in *Ones to Watch*

**Business of Law: Trends, Updates, Visionaries & The In-House Counsel Leadership Awards** (a publication of the *Los Angeles Times*)

**Barry Kurtz** featured

**San Fernando Valley Business Journal**  
*Labor & Employment Roundtable July 2022*

**Sue M. Bendavid**, participant

**San Fernando Valley Business Journal**  
*Supreme Court Limits PAGA*  
**David G. Jones** quoted

**San Fernando Valley Business Journal**  
*2022 Women of Influence*  
**Sue M. Bendavid, Katherine L. Wallman**, and **Jessica W. Rosen** featured

**Super Lawyers Magazine**  
*2022 Southern California Rising Stars*  
**Chrystal Ferber, Gayane Ghandilyan, Jessica W. Rosen, Matthew J. Soroky** and **Taylor M. Vernon** named

**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

**Super Lawyers Magazine**  
*Southern California Super Lawyers*  
**Zane S. Averbach, Paul C. Bauducco, Sue M. Bendavid, David B. Bobrosky, Steven L. Feldman, Tal Grinblat, David Gurnick, Stephen T. Holzer, David G. Jones, Jeffrey A. Kobulnick, Barry Kurtz, Kira S. Masteller, Vanessa Soto Nellis, Mark J. Phillips, Andrew L. Shapiro, Lynn Soodik** and **Keith T. Zimet**