



MARCH 2023

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

818.990.2120

lewithhackman.com

16633 Ventura Boulevard
Eleventh Floor
Encino, California 91436

Congratulations to **Barry Kurtz** (State Bar of California Certified Specialist in Franchise & Distribution Law), named a *2023 Leader of Influence: Trusted Advisor* by the *San Fernando Valley Business Journal*. The Journal describes this year's selections as "the most impressive success stories across the Valley's business landscape."

We are pleased to announce that **Alex J. Hemmelgarn** is now a Certified Specialist in Tax Law as designated by the State Bar of California Board of Legal Specialization. He joins **Michael Hackman** as the firm's second Certified Specialist in Tax Law.

Sue M. Bendavid and **Tal Burnovski Yeyni** worked with a client to successfully separate from an employee with performance issues. The employee made various claims to justify her underperformance, including alleged anxiety. With Sue and Tal's assistance, the employer complied with all legal obligations with respect to the employee's anxiety-related leave of absence and interactive process. Ultimately, the employee chose to leave on her own. Sue and Tal assisted the client with preparing a severance agreement which included a full release of all claims.

Kira S. Masteller and **Kyla A. Parrino** worked with a family to establish multiple limited liability companies to own and manage rental properties that the parents and children collectively own. The LLCs provide the family members a component of privacy. Additionally, the LLCs protect each of their personal assets from lawsuits related to the properties, as well as from each individual's personal creditor issues.

Vanessa Soto Nellis (Certified Family Law Specialist) worked with a mediator to obtain a judgment for a dissolution of marriage matter that had been pending for over seven years. Thanks to this judgment, the parties avoided a month of trial and the associated costs.

John B. Marshall represented a medical group against a management company which asserted contractual breaches, tried to evict the medical group from its offices, and sought to obtain a multi-million dollar claim against the group. After a week-long arbitration hearing, the medical group prevailed on all claims.

Sue M. Bendavid and **Nicholas Kanter** resolved a matter on the eve of a hearing on a motion to dismiss. The employee's attorney demanded a nearly seven figure settlement. Nick and Sue filed a summary judgment motion conveying the weaknesses in the plaintiff's case. The plaintiff then reduced their demand by 85 percent.

Barry Kurtz and **Taylor M. Vernon** worked with another firm on their client's acquisition of a 40+ unit convenience store franchise. Barry and Taylor worked on the franchise due diligence, prepared the franchise representations, and consulted on other related matters. In two separate matters, Barry and Taylor represent a client in purchasing a 10 unit juice franchise, and with another client, purchasing a three territory home care business.

Jana G. Garrotto and **Kyla A. Parrino** successfully brought a Petition that provided that real property belonging to a deceased party should be distributed and transferred outside the Trust and to a child of the Decedent based upon writings made by the Decedent – transferring such property to that beneficiary.

David Bobrosky of our Personal Injury Practice Group represented a young woman who suffered injuries in an accident while driving with her children. The other driver and the police blamed our client for the collision, and other law firms refused to represent her. David believed her claims. By obtaining police body camera footage and hiring an expert to examine the other driver's vehicle, David proved our client right, and obtained a favorable six figure settlement for her.

Barry Kurtz and **Matthew J. Soroky** (Certified Specialists in Franchise & Distribution Law) consulted with a long-term restaurant franchisee who is contemplating renewal of their franchise agreement or breaking away from the franchisor and operating independently. Barry and Matt reviewed franchise documents for a group that is looking to purchase an IV rejuvenation franchise that provides customized nutrient IV hydration therapy and cryotherapy services.

Kira S. Masteller filed an Assessor's Appeal and successfully reversed a property tax reassessment when an unmarried couple put assets into a joint trust to benefit their child after both passed away.

Sue M. Bendavid and **Tal Burnovski Yeyni** provided ongoing counsel to clients regarding the new *Pay Transparency Act*, which requires employers to provide wage information to applicants and employees, and entails other compliance mandates. Our clients are analyzing their job positions and pay scales to ensure any potential wage discrepancies are based on legal factors like seniority, experience, education, etc.

Kira S. Masteller settled a case defending our client, who was the subject of a Court petition filed by a grandson alleging elder abuse against our client, the domestic partner of the grandmother, who died 11 years prior. The grandson was attempting to obtain real property, or cash for the value of the real property from her previously closed estate.

Barry Kurtz and **Katherine L. Wallman** (Franchise & Distribution Law Specialists) are preparing franchise disclosure documents for a high-end sandwich shop group and for a ramen restaurant. In a separate matter, Barry and Kate also reviewed franchise documents for a group purchasing hotel franchises.

Jana G. Garrotto and **Kyla A. Parrino** worked with a couple to amend their Trust to provide their heirs' inheritance with protection from potential creditors and spouses for the lifetime of the heirs.

Vanessa Soto Nellis resolved a dissolution of marriage matter by working with opposing counsel. The negotiations helped our client avoid a costly and lengthy trial.

Nancy Martinez successfully obtained an order from the Court that a Family Law matter be dismissed, and that all orders be set aside and vacated. The opposing party was sanctioned \$30,000 due to her false impersonation of our client and forgery of our client's signature on all documents filed in the matter.

Sue M. Bendavid helped an employer who made the difficult decision to lay off a large number of employees. Sue worked with the client to prepare Separation Agreements and other termination documents.

Jana G. Garrotto and **Kyla A. Parrino** petitioned the Court to transfer ownership of a now deceased client's real property inadvertently titled outside of the Trust rightfully to the Trust. Such real property will then be held in the Trust for the Survivor's benefit per the deceased client's wishes.

Jeffrey A. Kobulnick chaired the International Trademark Association's *Saul Lefkowitz Moot Court Competition* in Los Angeles, held at the U.S. District Court, Central District of California courthouse. **Matthew J. Soroky** also worked to ensure the competition ran smoothly. The competition is the only moot court competition in the country for law students focusing on trademark law.

Sue M. Bendavid and **Tal Burnovski Yeyni** presented the *2023 Employment Law Update* to hundreds of attendees (in person and virtually), providing critical compliance information affecting all California employers. Sue also presented for the San Fernando Valley Employer Advisory Council, she spoke about the new 2023 employment laws that require handbook policy changes for most employers.

We are growing! We are pleased to welcome **Sara R. Benowitz**, an associate joining our Corporate, Tax, and Trust & Estate Planning Practice Groups. She earned both her Juris Doctor and her Master of Laws in Taxation from the University of California, Irvine School of Law. Sara also earned a Master of Public Health in Health Policy Management from the City University of New York School of Public Health, and a Bachelor of Arts in Economics and Minor in Mathematics, from Muhlenberg College in Pennsylvania.

Publications & Media Mentions

Valley Lawyer (San Fernando Valley Bar Association) *Survivorship Rules: Simultaneous Death and their Unequal Application*
Mark J. Phillips, author

San Fernando Valley Business Journal
Labor & Employment Roundtable
January 2023
Sue M. Bendavid, participant

Los Angeles Daily Journal
A Small Bright Line in the Murky Law of No Contest Clauses
Mark J. Phillips, co-author

The Franchise Lawyer
Starstruck and Star-Stricken: When Celebrities Buy and Sell Franchises
Matthew J. Soroky author

San Antonio Lawyer
The Trial of Sam Sheppard- Part 1
The Crime
Mark J. Phillips, co-author

Los Angeles Daily Journal
Amendments to California franchise laws in the New Year
Barry Kurtz and **Matthew J. Soroky** authors

Valley Lawyer (San Fernando Valley Bar Association) *California's New Motor Vehicle Board: Representing Car Makers and Dealers*
David Gurnick, author

Boulder Law
Letter From Brentwood- Part 2
Mark J. Phillips, co-author

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