

BUSINESS GROUPS

- Business & Civil Litigation
- Commercial Finance
- Corporate
- Employment
- Environmental
- Franchise & Distribution
- Health Care
- Intellectual Property
- Mergers & Acquisitions
- Real Estate
- Tax Planning

CONSUMER GROUPS

- Family Law
- Personal Injury
- Trusts & Estate Planning

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Online Reputation Management. David Gurnick, Tal Grinblat and Nicholas Kanter will discuss how to deal with negative online reviews, on Wednesday, September 2, 2015. The presentation will take place in our Boardroom and is complimentary for clients and friends. Attorneys and accountants may earn continuing education credits, and a light breakfast will be provided. Contact Chris Podbielski for further information: 818.907.3271 by phone, or cpodbielski@lewitthackman.com.

AUGUST 2015

Recent Professional & Community Accomplishments

Congratulations to **Vanessa Soto Nellis**, (Certified Specialist in Family Law) selected for the top *Up-and-Coming 50: 2015 Women Southern California Rising Stars* list, as well as the *Up-and-Coming 100 Rising Stars*, by *Super Lawyers Magazine*. Also selected this year as *Southern California Rising Stars: Nicholas Kanter* (Business Litigation), **Nicole Kamm** (Employment), and **Bryan H. Clements** (Franchise & Distribution). To be designated a *Rising Star*, Vanessa, Nick, Nicole and Bryan underwent a rigorous selection process quantified by peer evaluations and professional achievements. Less than 2.5 percent of nominated attorneys are so selected.

Barry Kurtz was recently recognized as one of *Southern California's Top Rated Lawyers* by *American Lawyer Media* and *Martindale-Hubbell*. **David Gurnick** and **Tal Grinblat** were chosen among the nation's *2015 Top Rated Lawyers in Intellectual Property* by the same organizations. All three attorneys are California Certified Specialists in Franchise & Distribution Law.

Anthony D. Storm successfully prevailed on an emergency hearing to allow our client to convey real property in foreclosure back to the lender, to protect another real property asset. Our client's spouse, under advice from her counsel, opposed the transfer though the potential loss of both properties would mean fewer assets to be awarded later.

Andrew L. Shapiro represented a successful clinical psychologist and professional aerobics instructor who suffered serious back and neck injuries in a car accident. When the insurance company responsible for damages was informed of her aerobics instruction, they secretly recorded our client's aerobics class and made a very low settlement offer. Andy took the matter to binding arbitration and demonstrated that our client's performance was greatly reduced to fewer repetitions with much less weight. He garnered a six figure award that was 10 times greater than the insurance company's unfair settlement offer.

Kevin E. Rex represented a company in the purchase of a multi-million dollar business. **Michael Hackman** (Certified Specialist in Tax Law) provided our clients with tax advice on how best to structure the transaction.

Nicole Kamm resolved a relatively large Division of Labor Standards Enforcement claim for missed meal and rest breaks, for a nominal sum. The claim was brought by a current employee and sought penalties for nearly three years of allegedly missed breaks. Nicole convinced the deputy and the employee the meal break claims would not prevail and the rest break claims were equally weak. On accepting the settlement offer, the employee signed a general release of all claims against the company and agreed to pay liquidated damages in the event any information about the agreement was disclosed.



Stephen T. Holzer and **Tal Grinblat** worked with a franchisor to resolve a dispute pertaining to supply purchases made by a franchisee. The successful resolution avoided the need for a formal arbitration proceeding and resolved a number of outstanding issues between the parties.

David Gurnick represents the owner of a snack food maker. Several years after the company was sold, a supplier sued our client and the company that bought the business, claiming breach of supply contracts. David insisted our client had no responsibility for the business. The supplier was persuaded and dismissed our client from the lawsuit, with any monetary payment coming only from the other defendant.

Barry Kurtz is preparing documentation to establish new franchises for a Chinese restaurant chain, a moving company, and an Italian gelato company. In other matters, Barry is preparing franchise development documents for two clients, one a franchisor, and the other a franchisee, for multi-unit developments of two restaurant chains across the U.S.

Sue M. Bendavid obtained a court order agreeing to her interpretation of a Labor Code statute. The attorney for our client's former employee claimed the employer was liable for misclassification penalties on a per pay period basis, rather than per person. Sue's interpretation significantly reduced the employer's liability exposure. Additionally, Sue obtained dismissal of all class action allegations, leaving only the employee's individual claims.

Kevin E. Rex facilitated a purchase and sale of membership interests in an LLC to provide a member liquidity for estate tax purposes. In another matter, Kevin worked with a client in reviewing and analyzing a proposed investment into a franchise company.

Nicole Kamm and **Tal Burnovski Yeyni** convinced the Employment Development Department (EDD) to reduce an assessment of unpaid taxes and penalties to a fraction of the initial amount assessed. The resolution was the result of more than a year of negotiations with EDD over the classification of employees as independent contractors.

Nicholas Kanter and **David Gurnick** filed an anti-SLAPP motion in response to a request for restraining orders sought against our client. Nick and David's motion asked the court to dismiss the restraining order request and award our client attorney fees. The court granted our motion, no restraining order was issued. The court awarded attorney fees and costs to our client.

Tal Grinblat worked with a watch manufacturing client to cancel a trademark infringer's trademark registration in Hong Kong, and to oppose the infringer's pending application in China. In another matter, Tal and **Nicholas Kanter** represented a music streaming company in filing responses in Guatemala to two parties who opposed our client's applications.

Anthony D. Storm has been selected to serve on the Beverly Hills Mayor's Committee for *Next Generation Leaders*. The Committee's objective is to propose initiatives to move the City of Beverly Hills into the future, and engage residents and business people between the ages of 25 to 45 to become more involved with city operations and activities.

Stephen T. Holzer has been appointed Chair of the Marketing Subcommittee of the Los Angeles County Bar Association's Environmental Law Section Executive Committee.

Sue M. Bendavid presented a seminar for Valley Industry and Commerce (VICA) members regarding the complex Healthy Workplaces, Healthy Families Act, which required employers to provide paid sick leave to most employees in California as of July 1st.

Congratulations to **Barry Kurtz**, **Tal Grinblat** and **Nicole Kamm**, who were nominated for the *San Fernando Valley Business Journal's Most Trusted Advisors* awards. Final selections will be made later this month.

PUBLICATIONS & MEDIA MENTIONS

Juris Publishing, Inc.

Distribution Law of the United States
- Second Edition

David Gurnick, book author

Law Practice Magazine

(American Bar Association)

Firm Culture: Obstacle or Catalyst
for Strategic Change?

Keith T. Zimmet, quoted

Valley Lawyer

(San Fernando Valley Bar Association)

Fun With Trademarks & Copyrights:
Parody, Satire and Lampoon

David Gurnick, author

KPCC: AirTalk with Larry Mantle

Watching Workers: Debating the
Legality of 24/7 Tracking

Sue M. Bendavid, guest

Valley Lawyer

(San Fernando Valley Bar Association)

Don't Let Business Clients Become
Accidental Franchisors

Barry Kurtz &

Bryan H. Clements, co-authors

Business Law News Annual Review

(California Bar Business Law Section)

Annual Selected Developments in
Franchise Law

Tal Grinblat, co-author

Valley Lawyer

(San Fernando Valley Bar Association)

Transformation of Transgender
Rights in the Workplace

Hannah Sweiss, author

Security Magazine

Court: Social Media Site's
Reference Search Not a
Background Check

Nicole Kamm, author

Family Law Section eNews

(California Bar Family Law Section)

ILIT: The Benefits of an Irrevocable
Life Insurance Trust as Security
for Support

Kira S. Masteller &

Anthony D. Storm, co-authors