

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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Employer Defense 2015: Sue M. Bendavid, Nicole Kamm and Hannah Sweiss will present our annual seminar regarding new state and federal employment laws January 22nd and January 29th. A light breakfast will be served, and attendees may earn MCLE or CPE credit. Contact Chris Podbielski to RSVP: 818.907.3271; cpodbielski@lewittackman.com.

DECEMBER 2014

Recent Professional & Community Accomplishments

Michael Hackman, Certified Specialist in Tax Law (State Bar of California Board of Legal Specialization), **Sue M. Bendavid** and **Stephen T. Holzer** were all named among the ***Nation's Top Attorneys in Business Practice Areas***, by the business edition of *Super Lawyers Magazine*. Mike, Sue and Steve were recognized for excellence in their respective areas of law: tax, employment and environmental law.

Keith T. Zimmet, Managing Shareholder and Chair of our Firm's Commercial Finance Practice Group, serving as local California counsel, assisted a nationally known investment company with the acquisition of an industrial manufacturing company. In an unrelated matter, Keith represented a shopping center owner in negotiating several leases, including with a new anchor tenant.

Andrew L. Shapiro and **Thomas Cecil** of our Personal Injury Practice Group obtained a high six-figure settlement from a national oil change company in a matter in which our client's brakes failed as he was driving downhill. Given a choice of running into traffic or driving uphill on a less busy side road, client chose the latter option to stop his runaway vehicle. Though it saved other drivers, his choice caused the car to flip over onto its roof. Our client fractured a vertebrae in his neck. Investigators discovered the garage attendant neglected to refill the brake fluid when our client's car was serviced the day before the crash.

John B. Marshall and **Kevin E. Rex** concluded the signing of another \$100 Million asset sale agreement for an industrial client. Paralegal Lisa Whiting assisted John and Kevin in the multi-layered transaction, which involves the sale of a long-established business, equipment, vehicles and intangible assets; and complex leases of real property.

Sue M. Bendavid resolved a matter in which a client's former employee alleged wage & hour violations, retaliation, wrongful termination and emotional distress. After obtaining favorable admissions in deposition, Sue persuaded the other side that the majority of claims were baseless. The claimant accepted merely 10 percent of his demand. In unrelated matters, Sue administered managerial training to a company's supervisors regarding recordkeeping under the Affordable Care Act and wage and hour rules.

Barry T. Harlan (Certified Specialist in Family Law), **Stephen T. Holzer** and **David Gurnick** (Certified Specialist in Franchise & Distribution Law), obtained dismissal of an expansive lawsuit against our client. The plaintiff brought a lengthy, detailed claim alleging property mismanagement and claiming the firm's client took advantage of an ex-spouse following prior divorce judgments. Barry, Steve and David's work and extensive briefing persuaded a Superior Court judge to dismiss the lawsuit. In a particularly gratifying ruling, even though the dismissal was based on the other side's original complaint, the Judge refused their request to try to amend the complaint.



Paul C. Bauducco settled a construction defect case, involving substantial cracking in newly poured concrete patios, walkways, entryways and a driveway, obtaining a very favorable settlement for the Firm's client and saving tens of thousands of dollars in litigation costs for an upcoming trial.

Barry Kurtz and **David Gurnick** are contesting efforts by the California Department of Business Oversight (DBO) to impose sanctions on a would-be franchisor that granted licenses for its businesses prior to its registration of its Franchise Disclosure Document and, in another matter, the decision by the DBO to deny an application for franchise registration by an education and meditation services company for public policy reasons.

Kira S. Masteller is setting up a Family Foundation for clients with a large estate tax issue upon their death. The Foundation will receive a significant portion of assets during their lives and after their deaths, which will be used to further philanthropic gifts for a variety of charities while accomplishing income tax and estate tax savings for our clients.

Nicholas Kanter prevailed on a motion for summary judgment in a lawsuit arising from a non-judicial foreclosure sale. By prevailing on the motion, the Firm's client was able to avoid the time and expense associated with having to proceed with the lawsuit through trial.

Nicole Kamm with help from **Hannah Sweiss**, represented the owner of several recently-closed beauty supply stores in a lawsuit involving wage and hour claims asserted by two former managers. Nicole and Hannah negotiated a global settlement of all claims, saving the client thousands in litigation costs.

Hannah Sweiss and **David Gurnick** convinced numerous internet search engine, business listing and directory web sites to remove misleading data and listings that falsely connected our prominent client to another company. The other company had been misusing our client's brand so that their own name would appear in searches relating to our client's business.

David Gurnick updated domestic and international license agreements for our California-based client to expand a physician's network incorporating state-of-the-art medical techniques, equipment, and shared research data among doctors around the world.

David B. Bobrosky of our Personal Injury Practice Group successfully opposed a motion filed by the city defendant in one of our injury matters. The city asked the Court to find that it was not responsible for a dangerous condition that created a blind intersection, causing our client's accident. Dave used expert testimony and records of prior accidents to defeat the motion and convince the court that the case should proceed to trial.

Nicole Kamm convinced a Division of Labor Standards Enforcement (DLSE) deputy to dismiss a waiting time penalty claim at the conference stage - avoiding the need for an unnecessary and costly hearing. In another matter, Nicole had an unemployment insurance claim overturned, showing that the client's former employee resigned voluntarily and without cause. The employee was therefore not entitled to benefits and client's benefit account was not charged.

Paul C. Bauducco mediated and settled a breach of lease claim for a landlord client, obtaining a favorable settlement without having to initiate litigation, saving the client a substantial sum in attorney's fees and costs.

Samuel C. Wolf won an ex parte application to stay enforcement of a default judgment, obtained improperly by a former landlord against a client of the firm. The stay prevents enforcement against the client, allowing the court to consider the substantive grounds for vacating the default judgment.

Kira S. Masteller has been presenting a variety of estate planning topics - including Powers of Attorney for Health Care and Asset Management at Northridge Hospital December 13th at 10 a.m. (email Kira for information: kmasteller@lewitthackman.com)- as well as at a number of other hospitals and churches in Los Angeles County.

Sue M. Bendavid served as a presiding judge for the 13th Annual National Civil Trial Competition hosted by Loyola Law School. The tournament provides law students a way to hone litigation skills. Sue and fellow moot court judges evaluated students from 16 participating schools from across the nation in their skills regarding opening and closing statements; direct and cross-examination of witnesses; and objections based on Federal Rules of Evidence.

PUBLICATIONS & MEDIA MENTIONS

CNBC

How to Steer Clear of Franchise Financial Disasters
quoted: David Gurnick

Valley Lawyer - San Fernando Valley Bar Association

Breastfeeding in the Workplace: A Mother's Rights, an Employer's Responsibilities
co-authored by Nicole Kamm

The Wall Street Journal

Best Lawyers in America 2015
Barry T. Harlan (Family Law) and David Gurnick (Franchise Law) chosen

Orange County Lawyer - Orange County Bar Association

Comparing Franchise Relationships and Beer Distribution Relationships
by Barry Kurtz & Bryan H. Clements

Los Angeles Business Journal

Is Franchising the Right Model for Your Business?
by Barry Kurtz

The Franchise Lawyer - ABA Forum Committee on Franchising

Finding Value: The Roles of Accountants in Franchising
by Tal Grinblat & David Gurnick

Valley Lawyer - San Fernando Valley Bar Association

Exciting Times for SFVBA New Lawyers Section
featured: Hannah Sweiss

Los Angeles Business Journal

Solo Shops Buy Into Franchises
quoted: Barry Kurtz

SouthernCaliforniaHomes.com

Expert Advice on Buying a Foreclosed Home
quoted: Nicholas Kanter

The Wall Street Journal

Top Ranked Law Firms in California
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