

## 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

818.990.2120

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16633 Ventura Boulevard  
Eleventh Floor  
Encino, California 91436

**Environmental Law:** On July 14, **Stephen T. Holzer**, Chair of our Environmental Practice Group, will provide an update on the latest changes to California Environmental Law. The presentation will take place in our Boardroom and is offered on a complimentary basis 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](mailto:cpodbielski@lewitthackman.com).

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### JUNE 2015

#### *Recent Professional & Community Accomplishments*

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**John B. Marshall, Keith T. Zimmet**, and Paralegal **Lisa Whiting** represented a long-term corporate client in closing a \$39 Million bank line of credit, which involved the concurrent closing of an international transaction involving multiple entities. The client has multiple subsidiaries in various states, so the transaction required legal coordination in numerous jurisdictions.

**Nicole Kamm** and **Tal B. Yeyni** prevailed at a Labor Commissioner hearing regarding claims for unpaid wages and overtime brought by two separated employees of a client. The DLSE awarded claimants nothing and dismissed their claims entirely.

**David Gurnick** and **Samuel C. Wolf** obtained a stay of deposition for a client in litigation between business partners. The other side tried to set a deposition giving minimal notice and demanding numerous documents be produced. David and Sam asked for relief and the court ruled the opposing party may not take the deposition without first obtaining court permission, or the consent of our client.

**Tal Grinblat** (Certified Specialist in Franchise & Distribution Law) and **Nicholas Kanter** assisted a client in the music streaming business file an appeal to a refusal to register the client's mark in Colombia. The appeal required obtaining notarized and apostilled documents which were then incorporated into the appeal filings in Colombia.

**Michael Hackman** (Certified Specialist in Tax Law) and **David Gurnick** (Certified Specialist in Franchise & Distribution Law) represented a client who received payments on an adjustable promissory note – but was accused of failing to notify the makers of when interest and payment adjustments were to occur. Mike and David's legal analysis showed that a note payee is not obligated to perform requirements of a note, enabling the parties were able to reach a mutually agreeable settlement.

**Kevin E. Rex** and Paralegal **Lisa Whiting** closed a multi-million dollar deal involving the sale of multiple businesses, including a franchisor. **Barry Kurtz** (Certified Specialist in Franchise & Distribution Law) handled the franchise issues.

**Kira S. Masteller** is working with the heirs of a deceased parent to craft an equitable solution utilizing different assets and promissory notes/loans so that they receive equal assets without having to become business partners.

**Andrew L. Shapiro** and **Thomas Cecil** of our Personal Injury Practice Group represented a woman driving an antique Volkswagen on the I-10 freeway, when she was forced to come to a stop to avoid another collision ahead of her. A speeding driver in a pickup truck rear-ended the car behind her, causing our client extensive injuries due to the lack of safety features in the small, older vehicle. Andy and Tom collected a high six figure sum for our client.



**Paul C. Bauducco** and **Samuel C. Wolf** successfully brought a motion to expunge lis pendens and won an

award of monetary sanctions for our client against the person who improperly recorded it. The motion will clear the title to a property in probate, which should ultimately allow our elderly client to sell the property, thus obtaining funds necessary for his retirement. In another matter, Paul and Sam successfully brought a demurrer citing defects in a First Amended Complaint against a client. The demurrer is expected to lead to a dismissal of the lawsuit.

**David Gurnick** persuaded opposing lawyers to dismiss lawsuits brought against two clients. In one case a franchisee's employee sued a franchisor. David's legal analysis showed the plaintiff's attorney that the employee had no valid claim against the franchisor. In another case, occupants of commercial and residential properties sued for injuries. David was able to show that our client had no connection to the property and could not be liable. The opposing lawyers have agreed to dismiss our clients without requiring any court appearance or further response.

**Tal Grinblat** worked with a client in the clothing industry obtain a consent letter from another user of a similar mark, thereby permitting our client to overcome an objection raised by the Trademark Office. In another matter, and in response to a cease and desist letter received from a hair care manufacturer, Tal successfully resolved the claim by negotiating for a lengthy period of time for our client to transition to a new mark, thereby permitting the client to deplete inventory without having to incur additional costs.

**Kira S. Masteller** is representing a client making a gift of real property to a charity, with very specific maintenance parameters for future use and enjoyment of the property. Our client is obtaining a significant income tax deduction, reducing her estate for estate tax purposes and providing a way for her family to continue to visit the property from time to time.

**Anthony D. Storm** prevailed in an emergency hearing to sequester valuable artwork and furnishings from a spouse who had possession of these assets, and a past history of destroying artwork.

**Barry Kurtz** is preparing documentation to establish new franchises for an iconic New York hot dog restaurant in business for over 80 years, an electronics retailer, a company that flips single family residences, and an urgent care chain. In other matters, Barry is working with separate clients to establish a Mexican food eatery, as well as a waffle & confections restaurant – both in the United Arab Emirates.

**Vanessa Soto Nellis** (Certified Specialist in Family Law) mediated a divorce for a couple who wanted to resolve their matter expeditiously and amicably. The parties agreed to terms after only three meetings, saving themselves several thousands in costs that would have been involved in a traditional divorce. A Judgment was signed and submitted to the Court.

**Kira S. Masteller** is amending a Federal Estate Tax Return that was prepared ignoring the client's estate plan. The Amended return properly utilizes and documents the deceased spouse's Federal estate tax exemption for the children's future benefit, and allocates the remaining estate to the surviving spouse in a Marital Exempt Trust as provided in the estate plan.

**Sue M. Bendavid** and **Nicole Kamm** have been giving a series of presentations to clients and human resources organizations regarding the complex new law regarding mandatory paid sick leave. The seminars are presented live, or via webinar, reaching HR professionals throughout California. Nicole is a California Advisory Board Member for HR.com, for which one of these presentations was given. Sue will next present the topic for members of the Valley Industry & Commerce Association, June 24th.

**Barry Kurtz, David Gurnick, Tal Grinblat** and **Bryan H. Clements** attended the *31st Annual International Bar Association and International Franchise Association's Joint Conference*. The goal of the IBA/IFA event is to share information regarding the latest developments in international law affecting franchisors and franchisees.

We are pleased to announce that **Jennifer Skolnick** has joined our Family Law Practice Group as a Senior Associate. Jennifer has practiced law for 19 years, including nine in family law. She is a Certified Specialist in Family Law designated by the California Bar. Jennifer is licensed to practice in California, New York and Massachusetts.

## PUBLICATIONS & MEDIA MENTIONS

### **KPCC: AirTalk with Larry Mantle**

Watching Workers: Debating the Legality of 24/7 Tracking  
**Sue M. Bendavid**, guest

### **Business Law News Annual Review**

(California Bar Business Law Section)  
Annual Selected Developments in Franchise Law  
**Tal Grinblat**, coauthor

### **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**, authors

### **Business Law News**

(California Bar Business Law Section)  
Comparison: Traditional Franchise & Beer Distribution Relationships  
**Barry Kurtz & Bryan H. Clements**, authors

### **Valley Lawyer**

(San Fernando Valley Bar Association)  
Using the Economic Loss Rule to Your Client's Benefit  
**Samuel C. Wolf**, author

### **The Franchise Times**

2015 Franchise Legal Eagles  
**Tal Grinblat**, selected

### **The Dr. Phil Show**

My Wife Chose Her Boyfriend Over Her Children  
**Lynn Soodik**, guest

### **CNBC**

How to Steer Clear of Franchise Financial Disasters  
**David Gurnick**, quoted