

## 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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**New Paid Sick Leave Law:** Sue M. Bendavid, Nicole Kamm and Hannah Sweiss of our Employment Practice Group will present a seminar to clarify the intricacies of the *Healthy Workplaces, Healthy Families Act of 2014*. The presentation will take place April 29th in our Boardroom and is offered on a complimentary basis for our clients and friends. Attorneys, accountants and human resources professionals 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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### MARCH 2015

#### *Recent Professional & Community Accomplishments*

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Congratulations to **Barry T. Harlan**, selected one of the *Top 100 Attorneys in Southern California* (for the third consecutive year) and to his fellow **2015 Southern California Super Lawyers**, including: **Michael Hackman** and **Kira S. Masteller** of our Tax, and Trusts & Estate Planning Practice Groups; **Andrew L. Shapiro** and **David B. Bobrosky** of our Personal Injury Practice Group; **Michelle S. Robins** and **Lynn Soodik** of our Family Law Practice Group; **Barry Kurtz**, **David Gurnick** and **Tal Grinblat** of our Franchise & Distribution Practice Group; **Sue M. Bendavid** of our Employment Practice Group and **Stephen T. Holzer** of our Environmental and Business Litigation Practice Groups. *Super Lawyers* are chosen by a 12 point peer review system - only five percent of nominated attorneys are so designated. **Keith T. Zimmet** has previously been so honored by *Super Lawyers*; and **Nicole Kamm**, **Nicholas Kanter**, **Vanessa Soto Nellis** and **Kevin E. Rex** have all been previously named as *Southern California's Rising Stars* in *Super Lawyers Magazine*.

**David B. Bobrosky** of our Personal Injury Department defeated a hotly contested motion for summary judgment filed by a local city in a dangerous roadway matter that resulted in a traumatic brain injury to our client. The City requested the motion based on a long standing statutory rule of "Design Immunity" for the entity who constructed the roadway. Through multiple rounds of briefing, David was able to show that the immunity should not apply and the Court denied the motion, allowing it to proceed to trial.

**Sue M. Bendavid** and **Nicholas Kanter** filed a defamation suit against a former employee of a business client who was making publicly false statements about the company. The defendant employee tried to dismiss the case, but the trial court ruled against her. Sue and Nick received a unanimous, favorable ruling from the California Court of Appeal, in which the Appellate Court affirmed the trial court's ruling and awarded costs to our client.

**Keith T. Zimmet**, Managing Shareholder and Chair of our Firm's Commercial Law Practice Group, represented a client in the sale of substantially all of the client's assets. In an unrelated transaction, Keith negotiated a long term ground lease for a client interested in developing the real property.

**Barry T. Harlan**, Chair of our Family Law Practice Group and **Michelle S. Robins** (both Certified Specialists in Family Law), successfully defeated a motion by a well-known entertainer to terminate our client's spousal support payments based partly on the fact that he had been paying spousal support for 27 years.

**David Gurnick** testified as an expert witness in a jury trial, regarding the importance of trademarks and marketing in a franchise system, procedures at the California Department of Business Oversight for registering franchises, and capabilities of a business owner to be a franchisor in California.

**Lynn Soodik** (Certified Specialist in Family Law) had a guest appearance on *The Dr. Phil Show*, in which she offered legal perspectives regarding custody issues for a troubled family featured on the show.



**John B. Marshall** and **Paul C. Bauducco** settled a Federal Court lawsuit against a client which was approaching a trial date in San Diego. The matter was settled on favorable terms, thus saving the client significant sums which were being incurred in dealing with motions, third-party discovery disputes, and preparation for a jury trial.

**Nicole Kamm** resolved a Labor Commissioner claim filed against two individuals by a former nanny. The nanny claimed unpaid overtime, missed meal and rest breaks, and other wage and hour violations. At the Conference stage, Nicole was able to negotiate a settlement for a fraction of the initial demand and obtain a global release of all claims. This is a reminder that many of the rigorous employment laws apply to all employers, regardless of size.

**David Gurnick** represented a national franchisor in terminating a defaulting franchisee. A detailed notice of defaults was followed by commencement of arbitration before the American Arbitration Association, an action in United States District Court to compel participation in the arbitration, and when the defaults were not cured, a notice of termination. The franchisee then cooperated in turning over the business to the franchisor where it can be operated according to the franchisor's high brand standards. All arbitration and court proceedings were promptly dismissed.

**Kira S. Masteller** successfully represented trust beneficiaries where the distribution provisions of one-half of the trust estate were in dispute and in favor of another relative. Kira was able to gain a very significant settlement for our clients.

**Tal Grinblat** negotiated a license agreement with a television shopping network to sell our client's jewelry and watch products via live and taped broadcasts. In another matter, Tal opposed a company's trademark application in Australia on behalf of a client, the senior user of the mark there. A junior user who adopted an identical mark was cited against the client's application, but the opposition should pave the way for the client's application to move forward.

**Barry Kurtz** (Chair of the Franchise and Distribution Practice Group), **David Gurnick** and **Tal Grinblat** (all Certified Specialists in Franchise and Distribution Law) attended the International Franchise Association's annual convention, held in Las Vegas. The event provided an opportunity to participate in roundtable discussions and learn about the latest business and operational challenges franchisors and franchisees face in today's ever-evolving market.

**Hannah Sweiss** worked with two separate businesses facing claims brought under the jurisdiction of the Division of Labor Standards Enforcement. Hannah was able to resolve the wage and hour claims in both matters for a mere fraction of the damages claimed.

**Kevin E. Rex** represented a client in the sale of a family owned business to the company's general manager. In connection with the sale, Kevin worked with the buyer's lender and escrow to facilitate the closing. In another matter, Kevin assisted a client in negotiating and finalizing a consulting agreement with the client's former business.

**Nicholas Kanter** filed two motions for summary judgment relating to lawsuits seeking possession of property purchased at a non-judicial foreclosure sale. The court granted both motions, allowing our client to obtain possession of the properties it purchased without the expense of two trials.

**Paul C. Bauducco** and **Samuel C. Wolf** successfully brought a motion to expunge a frivolous lien against a client's real property. Paul and Sam's briefing helped persuade the Superior Court Judge to order monetary sanctions against the offending party, thus saving our client thousands of dollars in legal expenses.

**Hannah Sweiss** organized an inaugural mixer for the San Fernando Valley Bar Association's New Lawyers Section. Hannah is on the Executive Committee, and our firm sponsored the event.

**Barry T. Harlan** and **Michelle S. Robins** presented a program entitled *What's New in 2015: New Judges, New Cases, New Laws* for the Family Law Section of the San Fernando Valley Bar Association. The program was well attended and the audience included Judicial Officers, other family law attorneys and business professionals.

## PUBLICATIONS & MEDIA MENTIONS

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

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

### ***Valley Lawyer*** - San Fernando Valley Bar Association

*Using the Economic Loss Rule to Your Client's Benefit*  
by Samuel C. Wolf

### ***Family Law Section eNews*** - State Bar of California

*Special Considerations When Representing Professional Athletes*  
by Anthony D. Storm

### ***The San Fernando Valley Business Journal***

*Employment & Labor Law: What Business Owners & Executives Need to Know*  
quoted: Sue M. Bendavid

### **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 and an Employer's Responsibilities*  
co-authored by Nicole Kamm

### ***The Wall Street Journal Best Lawyers in America 2015***

selected: Barry T. Harlan (Family Law) & David Gurnick (Franchise Law)

### ***Orange County Lawyer*** - Orange County Bar Association

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

### ***The Franchise Lawyer*** - ABA Forum Committee on Franchising

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