

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 in January. A light breakfast will be served, and attendees may earn MCLE or CPE credit. Further details will be forthcoming.

NOVEMBER 2014

Recent Professional & Community Accomplishments

Best Lawyers in America 2015: **Barry T. Harlan** and **David Gurnick** were selected by their peers for inclusion in this annual list, published and distributed with *The Wall Street Journal*. Both attorneys are California Certified Specialists: Barry in Family Law, and David in Franchise & Distribution Law, and both attorneys have earned this distinction each year since 2012.

Sue M. Bendavid and **Samuel C. Wolf** persuaded the court to summarily dismiss a claim for gender discrimination filed by a former employee against the firm's client. In the same case, Sue and Sam also obtained a ruling that three other claims were deficient as a matter of law. The plaintiff employee is now forced to amend her complaint if she wants to proceed on those claims.

Paul C. Bauducco obtained a settlement and stipulated judgment in the full amount of a contractor client's claim, saving the client tens of thousands of dollars in legal fees while fully recovering damages on his claim. In another contracting dispute, Paul settled a subcontractor's claim for less than a quarter of the amount sought.

Nicole Kamm resolved a contentious wage and hour litigation brought by a former employee of our residential care facility client. After a lengthy mediation, Nicole convinced the other side to accept an outside-the-box settlement tailored to our client's needs. Following resolution of the litigation, Nicole worked with the client to increase compliance with wage and hour laws in future.

Keith T. Zimmet recently negotiated a long-term lease for our client to lease space at one of the most well-known, high-rise office buildings in the United States. In an unrelated matter, Keith negotiated a client's lease for retail space at a prestigious shopping center located in Orange County.

Paul C. Bauducco prevailed on two discovery motions in a Federal Court case, saving our client thousands of dollars in potential legal fees by compelling the San Diego plaintiff to be deposed in Encino, and preventing the plaintiff from extending the discovery cutoff.

David Gurnick, working with counsel in Ohio, helped write briefing that persuaded an Ohio judge to keep jurisdiction of a franchise law case against a California franchisee in that state. Cases were pending in both Ohio and California and the firm's Ohio-based client wanted the case to proceed in its home court.

Kira S. Masteller is representing various clients in post death trust administration (resulting from the death of a spouse); and maximizing their estate tax exemptions and income tax planning through allocations to the Bypass and Survivor's Trust.

Andrew L. Shapiro and **Thomas Cecil** represented a client who suffered numerous, harmful side effects from a defective metal-on-metal hip replacement made by Johnson & Johnson. Our client suffered metal poisoning and other problems because of the product. Andy and Tom represented her in a national class action lawsuit, resulting in a substantial settlement for our client.



Nicole Kamm worked with a client to resolve a dispute with a former independent contractor.

The former contractor contended he was misclassified and entitled to unpaid overtime, penalties for missed meal and rest breaks, and other wage and hour violations. Nicole convinced the individual his claims lacked merit and obtained a release of all future claims in exchange for a small sum. Thereafter, Nicole worked with the client to update forms and agreements to further minimize the risk of claims in the future.

Tal Grinblat (a Certified Specialist in Franchise and Distribution Law) prepared an End User Agreement for a health care client's online service platform which launched last month. In conjunction with this matter, Tal and **Michael Hackman** (a Certified Specialist in Tax Law) prepared inter-company agreements and advised the client regarding tax-minimizing strategies.

Sue M. Bendavid prevailed in court and obtained two TROs (temporary restraining orders) against a former employee of a client. The ex-employee was sending harassing emails to the client, company employees and its customers. Sue convinced the court that the former employee should be restrained from engaging in this conduct. The court confirmed the restraining order for three years.

David Gurnick reviewed and advised regarding a multi-unit area development agreement for a client planning to build and open several units of a quick service restaurant chain.

Sue M. Bendavid participated in a panel discussion for the Valley Industry & Community Association's 26th annual **Business Forecast Conference**. The event was held at the Burbank Airport Marriott.

Hannah Sweiss joined the Executive Committee of the San Fernando Valley Bar Association's New Lawyers Section. The section is focused on providing a resource to all new attorneys needing help in establishing professional networks and growing their respective practices.

Kira S. Masteller has been elected to serve as the San Fernando Valley Bar Association's Secretary, and **Nicole Kamm** has been elected to the Association's Board of Trustees. Kira and Nicole began their terms in September.

Barry Kurtz, David Gurnick, Tal Grinblat and **Bryan H. Clements** attended the American Bar Association's annual legal seminar for franchise attorneys. The seminar provides an opportunity for attendees to focus on industry-wide legal concerns. Barry Kurtz (a Certified Specialist in Franchise and Distribution Law) co-chaired a special industry relationship workshop on beer distribution, oil and gas and automobile dealership law.

Keith T. Zimmet recently participated as a panelist at a USC School of Law program regarding legal careers at small to medium size law firms. Keith is a graduate of the USC School of Law and the Managing Shareholder of our firm. He was one of only three prominent speakers participating in the well-attended event at USC.

Tal Grinblat was appointed Co-Chair of the Franchise Law Committee by the Business Law Section of the State Bar of California for the 2014-15 term. The Franchise Law Committee (with franchisee and franchisor constituencies) works with the Department of Business Oversight and the State Bar in sponsoring legislation involving franchising in California. As a result of the appointment, Tal recently participated in a two day leadership conference to improve Committee sponsorship of legislation.

Hannah Sweiss spoke at Southwestern Law School on a panel co-hosted by Southwestern's Career Services and Middle Eastern Law Students Association: *Recent Alumni & How They Found Their Jobs*. Hannah provided students insight into what to expect as a first-year associate.

Kira S. Masteller has been invited to speak at several venues – including the CalCPA Education Foundation and area hospitals – regarding such topics as *Family Law and Estate Planning Crossover Issues*, *general Trusts & Estate Planning*, and *Durable Powers of Attorney for Health Care and Asset Management*.

Barry Kurtz participated in a panel discussion and Q&A for potential franchisors, franchisees, business attorneys and accountants in Southern California regarding the A-Zs of franchising a business, buying a franchise, accessing capital, and other topics. The breakfast event was hosted by *The Los Angeles Business Journal*.

PUBLICATIONS & MEDIA MENTIONS

Los Angeles Business Journal

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

Los Angeles Daily Journal

For California Franchises, There's No Place Like Home
by Barry Kurtz & David Gurnick

The Wall Street Journal

Top Ranked Law Firms in California
Lewitt Hackman designated

BlueMauMau.com

California Decides Franchisor's Forum Selection Invalid, Despite Supreme Court Ruling
quoted: David Gurnick

The Franchise Lawyer - ABA Forum Committee on Franchising

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

Los Angeles Business Journal

What to Look for in a Franchisee or Franchisor
by Barry Kurtz & David Gurnick

Los Angeles Times

Franchisees Allege Hardball Tactics, Store Seizures by 7-Eleven
quoted: Barry Kurtz

San Fernando Valley Business Journal

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

SouthernCaliforniaHomes.com

Expert Advice on Buying a Foreclosed Home
quoted: Nicholas Kanter

Los Angeles Daily Journal

Java Franchisee Turns Up Heat
quoted: Barry Kurtz