

## 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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**Tax, Trust & Estate Planning 2017:** Michael Hackman and Kira S. Masteller will present their annual planning seminar on Tuesday, May 9, 2017. The presentation will take place in our Boardroom, and is complimentary for our clients and friends. Attorneys and accountants may earn continuing education credits, and a light breakfast will be provided. To RSVP, contact Chris Podbielski: [cpodbielski@lewitthackman.com](mailto:cpodbielski@lewitthackman.com).

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## FEBRUARY 2017

### *Recent Professional & Community Accomplishments*

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Congratulations to **Barry T. Harlan** (Certified Specialist in Family Law), recognized for the fourth consecutive year as one of the **Top 100 Attorneys in Southern California** by *Super Lawyers Magazine*. Barry has also been named a *Southern California Super Lawyer* for 2017 and has earned this designation each year since 2004. Joining him in this category are: **Michael Hackman** (Certified Specialist in Tax Law), **Andrew L. Shapiro** and **David B. Bobrosky** (Personal Injury), **Paul C. Bauducco** (Business Litigation); **Sue M. Bendavid** (Employment); **Stephen T. Holzer** (Environmental); **Barry Kurtz**, **David Gurnick** and **Tal Grinblat** (Certified Specialists in Franchise & Distribution Law); **Kira S. Masteller** (Trust Planning) and **Lynn Soodik** (Certified Specialist in Family Law).

**Tal Grinblat** is recognized as a **2017 Legal Eagle** in franchising, by *Franchise Times Magazine*. He has been designated as such by his professional peers and the editorial board of the magazine each year since 2014.

**Kira S. Masteller** represented the executor and beneficiary of a probate estate in a settlement conference to resolve a litigation matter. One beneficiary wished to keep the parents' home after their deaths, while the other preferred to sell the property. Kira was able to complete a settlement agreement to close the estate, bypassing further litigation.

**Paul C. Bauducco** and **Samuel C. Wolf** completed an unlawful detainer action to remove a squatter from a trust client's property. The action allows our client to sell the property so the proceeds can be used to support the trust's elderly beneficiary in a care facility.

**Keith T. Zimmet** restructured a major equity and debt investment in a local manufacturing facility. The transaction involved private equity funding of preferred and common equity, senior and subordinate lender financing, as well as obtaining the consent of several trade creditors. The restructured company is now in a solid financial position to continue its business and expand its market share.

**Sue M. Bendavid** worked with a client to thwart a class action lawsuit. The client's former employee sued for discrimination, harassment, wrongful termination and made claims on behalf of a class of employees. If proven true, our client would have had significant exposure, but Sue successfully convinced the Plaintiff to dismiss the class action without any payment to the alleged class.

**Barry Kurtz** is working with an area developer who is acquiring the rights to roll out an Australian sports franchise concept throughout the United States.

**Andrew L. Shapiro** and **David B. Bobrosky** obtained a high six figure jury award for a motorcyclist who was struck by a driver making a last minute lane change. Our client fractured his clavicle, and resulting surgery left our client with limited range of motion in his thumb and ring finger. We referred our client to a top hand surgeon whose follow-up surgery enabled our client to return to full time work. Subsequent Mediation proceedings failed – Andy and Dave took the case to trial. A jury awarded our client a sum almost four times the amount offered at Mediation, and significantly more than the last offer prior to trial.



**Stephen T. Holzer** obtained dismissal for a client from a complaint alleging violation of Proposition 65, the state

law that requires businesses with ten or more employees to warn consumers of products that contain any harmful chemicals. Steve convinced the plaintiff that our client had in fact given adequate warnings as required by the Proposition, thus saving the client the expense of having to litigate the issue.

**Nicole Kamm** and **Tal Burnovski Yeyni** obtained a favorable result for a family business client regarding a dispute with an employee who made allegations of gender and pregnancy discrimination. Nicole and Tal were successful in obtaining a separation agreement that included a full release of Plaintiff's claims as well as a dismissal of a pending DFEH complaint.

**David Gurnick** represented a manufacturer of branded clothing in negotiating and agreeing to coexistence in response to a demand from another brand seeking to require the client to limit its use of its own trademark. In a separate matter, David worked with a shareholder of a franchisor in buying out the interest of the co-owner and thus becoming sole owner of the franchise company.

**Sue M. Bendavid** represented a client in an alleged wrongful termination matter. The claimant was the subject of numerous customer complaints, exceeded his maximum allowable leave, and then failed to return to work. Because of his weak position, Sue managed to avoid protracted litigation for our client.

**Barry Kurtz** is representing a restaurant franchisee who is in the process of acquiring his franchisor. In separate matters, Barry is preparing franchise registration documents for two other restaurant clients, one with a new grilled cheese sandwich concept, and the other with four successful poke restaurants.

**Paul C. Bauducco** resolved a breach of contract matter relating to alleged tax benefits obtained by our client for a minimum sum on the eve of a jury trial – thus saving the client many tens of thousands of dollars.

**Keith T. Zimmet** guided a client through the sale of a large industrial factory on the East Coast. The matter involved significant legal issues in both real and personal property matters, including local government approval, private equity funding, and complex zoning and tax issues.

**Vanessa Soto Nellis** worked with a couple currently residing in different countries in finalizing a prenuptial agreement. The husband lives and works in Europe, while the wife lives and works here, but owns significant real estate holdings in another state. The agreement allows the wife to keep the land separate and protected from her spouse's heirs, while allowing for all assets acquired after the marriage to become community property.

**Barry Kurtz** is working with a boutique fitness company that will be licensing its proprietary software and systems to independent fitness centers.

**Tal Grinblat** overcame an objection from the Trademark Office that a client's mark was confusingly similar to another mark of an owner based in Florida. Our client used its mark for nearly 70 years – long before the other user. Tal initiated a rarely used concurrent use proceeding in which our client claimed rights to its mark outside of Florida. This allowed the examiner to approve our client's mark for publication despite the similarities.

**Kira S. Masteller** represents a single individual with two children and a large estate. The children have significant assets of their own, and did not wish to inherit. Through efficient charitable planning, Kira was able to ensure our client's adult children could participate in decisions regarding charitable distributions after our client's death to ensure well-managed organizations receive the funds to further our client's philanthropic goals.

**Kyla A. Parrino** and **David Gurnick** worked with a client in the biotech industry to complete the merger of their Nevada corporation into their California corporation. The firm's client wished to consolidate companies to improve efficiency among the entities, which operate both internationally and domestically.

**Barry Kurtz, David Gurnick** and **Tal Grinblat** were recognized as Certified Franchise Executives at the 2017 Convention of the International Franchise Association. This distinction is awarded to executives in franchising who meet experience and education requirements in franchising and complete an extensive examination. Barry, Tal and David are now permitted to use the designation "CFE" with their names.

## PUBLICATIONS & MEDIA MENTIONS

### **The Los Angeles Times**

*Buy a Home Now, Move in After the Seller Dies*

**Kira S. Masteller** quoted

### **The Practical Lawyer**

(American Law Institute)

*How to Lead Your Clients to the Purchase of a Franchise*

**Barry Kurtz**, author

### **SFV Business Journal**

*Employment & Labor Roundtable*

**Sue M. Bendavid**, participant

### **BuzzFeed News**

*Angelina Jolie and Brad Pitt Taking Contentious Divorce Case Private*

**Lynn Soodik** quoted

### **Valley Lawyer**

(San Fernando Valley Bar Association)

*Post Prop 64: Keeping Employees Off the Grass*

**Amy I. Huberman**, author

### **Extra TV**

*Will Brad Pitt be Prosecuted for Private Jet Incident?*

**Lynn Soodik** interview

### **Forum on Franchising**

(American Bar Association)

*Annual Franchise and Distribution Law Developments 2016* (book)

**David Gurnick**, co-author

### **Valley Lawyer**

(San Fernando Valley Bar Association)

*The SFVBA President's Circle: A Firm Foundation*

**Keith T. Zimmet** quoted

### **BuzzFeed News**

*Brad Pitt and Angelina Jolie to Divvy Up Vast Estate During Divorce*

**Lynn Soodik** quoted

### **Valley Lawyer**

(San Fernando Valley Bar Association)

*Taking a Different Path: Meet SFVBA's New President*

**Kira S. Masteller** featured

### **Super Lawyers**

*2016 Top Women Lawyers in Southern California*

**Sue M. Bendavid** (Employment)

**Kira S. Masteller** (Estate & Probate)

**Lynn Soodik** (Family Law)

**Nicole Kamm** (*Up and Coming 50 Women*, Employment)

**Vanessa Soto Nellis** (*Up and Coming 50 Women*, Family Law)