

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

www.lewitthackman.com

16633 Ventura Boulevard

Eleventh Floor

Encino, California 91436

Year-End Tax & Estate Planning: Michael Hackman (Certified Specialist in Tax Law) and Kira S. Masteller will discuss this year's best strategies to effectively maximize your tax, trust and estate planning on Wednesday, November 2nd. We will provide parking, a light breakfast and MCLE or CPE continuing education credits. Contact Chris Podbielski for information and to RSVP: cpodbielski@lewitthackman.com.

SEPTEMBER 2016

Recent Professional & Community Accomplishments

Barry T. Harlan, Certified Specialist and Chair of our Family Law Practice Group, was named a **Most Trusted Advisor** by the *San Fernando Valley Business Journal* in August. **Michael Hackman**, **Andrew L. Shapiro**, **John B. Marshall**, **Amy I. Huberman** and **Kyla A. Johanson** were also chosen as finalists.

Congratulations to our **Top Women Lawyers in Southern California** for 2016, designated by Super Lawyers Magazine:

Employment: **Sue M. Bendavid**; Estate & Probate: **Kira S. Masteller**; Family Law: **Lynn Soodik**; Up-and-Coming 50 Women: **Nicole Kamm** and **Vanessa Soto Nellis**.

David Gurnick (State Bar Certified Specialist in Franchise & Distribution Law), representing a multi-territory franchisee, persuaded a franchisor to retreat from its position that it could reduce the franchisee's large territory at renewal. The parties settled by agreeing to arrangements for compensating the franchisee for reduction in territories.

Veronica R. Woods and **Barry T. Harlan** represented a client in a lengthy, two-day settlement conference before a private judge, in which our client received a seven figure equalization as well as a high spousal support award. In another matter, Barry and Veronica worked with a couple seeking a bifurcated divorce. The opposing party sought a bifurcated status. A "status only" bifurcation dissolves the marriage while the parties proceed with the remainder of the dissolution. Often times, bifurcating status can alleviate some of the tension allowing for settlement terms at a later date.

John B. Marshall and **Paul C. Bauducco** successfully settled a real property construction matter. When our client sought payment for construction services, the property owner filed a cross complaint alleging breach of contract and other complaints. John and Paul obtained a payment and avoided a costly litigation process for our client as well.

John B. Marshall represented a client in obtaining a \$6 Million settlement of a complex multi-party lawsuit with respect to a real property limited partnership. **Nicholas Kanter** and John handled this lawsuit going back several years, and the settlement was achieved just one week before the scheduled trial.

Barry Kurtz (Certified Specialist in Franchise & Distribution Law) represents a fast-casual food franchisor client in a major expansion to develop 300 units in 10 states over the next seven years – which involve complex negotiations, documentation and licensing rights. In other matters, Barry is also working with the owner of 140 franchised units, to obtain concurrent 15 year renewals of its current franchise agreements.

Paul C. Bauducco and **Samuel C. Wolf** successfully brought a petition to release a client's real property from a mechanic's lien. Our client had an agreement with a developer, but the contract expired, and the developer filed an improper mechanic's lien.

Kevin E. Rex and **Barry Kurtz** negotiated and worked with a client to purchase a wholly owned subsidiary of a company in which our client was previously the Chief Executive Officer of the parent company, and provided counsel with respect to our client's investments in that company.

Tal Grinblat, while Co-Chair of the Franchise Law Committee of the State Bar of California (and Certified Specialist in Franchise & Distribution Law) co-sponsored two bills which recently passed the legislature. Assembly Bill 1782 would allow prospective franchisors to exhibit at trade shows without first having to register as a franchise with California's Department of Business Oversight. Assembly Bill 2637 would allow franchisors, under certain conditions, to negotiate with potential franchisees without having to disclose terms of previous negotiations with other franchisees. Both bills are currently awaiting approval by Governor Jerry Brown.



David Gurnick and paralegal **Marianne Toghia** persuaded a client's competitor to remove photographs of the client's parents from a website. Under California's law granting heirs the ownership in personality rights of deceased famous persons, David and Marianne registered ownership of rights in the parents' names and likenesses. This and other grounds were used to demand that the competitor remove the photos.

Vanessa Soto Nellis resolved the financial aspects of a highly contentious divorce saving the parties associated trial costs and time.

Kevin E. Rex settled a corporate dispute related to our client's divorce. In mediation, Kevin worked out a settlement between the plaintiff and the ex-husband in order to extricate our client, the wife, from a complex corporate matter involving multiple real estate holdings.

Barry Kurtz and **Samuel C. Wolf** representing a children's gym franchisor, are completing development and unit documents for our client's expansion into Malaysia. In other matters, Barry, Sam and **Gabriel A. Wintner** are working with a fast food restaurateur in rolling out food truck operations; as well as other clients in developing resort-style day spas; automotive repair businesses; juice bars; and innovative, high-intensity fitness gyms.

FROM OUR EMPLOYMENT PRACTICE GROUP:

Sue M. Bendavid, Nicole Kamm and **Hannah Sweiss** worked with a multi-unit franchisee to settle wage and hour claims by the client's employee that could have resulted in an expensive, long-term litigation. After pointing out the weaknesses in the plaintiff's arguments, they were able to achieve a full release of all claims in exchange for an agreement by Plaintiff to walk away for less than 15 percent of his initial claim.

Hannah Sweiss and **Nicole Kamm** represented a Los Angeles based design studio with national, corporate clientele in a matter involving a former employee of the company who made claims of pregnancy discrimination, harassment, etc. Upon investigation, Hannah and Nicole found bases to file a potential lawsuit against the former employee. The Plaintiff ultimately walked away from her claims without any payment amount from the employer.

Sue M. Bendavid performed several wage and hour audits for companies with hundreds of employees. After reviewing pay records and practices, Sue helped the clients correct several large discrepancies which could have resulted in employee claims and even class action litigation. Employers should take steps to ensure compliance with all wage and hour laws at the city, county, state and federal levels.

Andrew L. Shapiro and **Thomas Cecil** of our Personal Injury Practice Group successfully represented a motorcyclist in a case against the State of California. While changing lanes on an off-ramp from SR 118 in Porter Ranch, our client suffered serious injuries when his wheels caught on a seam of uneven pavement between lanes, breaking all of his ribs and injuring his shoulder. The State settled the matter for a substantial six figure number.

David Gurnick and **Amy I. Huberman** successfully argued a demurrer based on a statute of limitations bar to a breach of contract claim. The Court sustained the demurrer and dismissed the case against the firm's client. The opposing lawyer asked the Court to be allowed to amend the complaint. David and Amy explained to the Court why any possible amendment would be futile and the Court agreed and denied the other party's request for leave to amend the Complaint.

Katherine M. Heersema joined our Family Law Practice Group as an Associate in July. Katie earned her Juris Doctor from the University of Southern California's Gould School of Law where she also achieved High Honors in Gifts, Wills and Trusts; Taxation; and Remedies. She obtained her Bachelor of Arts in Political Science from the University of California at Los Angeles.

Amy I. Huberman and **Nicole Kamm** successfully settled a claim for sexual harassment, wage and hour violations, hostile work environment and wrongful termination against an employer. The settlement amount was less than 15 percent of the original demand by the employee.

Hannah Sweiss and **Nicole Kamm** represented a real estate developer client in an audit by the Employment Development Department instigated by a former employee. Nicole and Hannah were able to limit the scope of the audit, resulting in a nominal assessment.

Amy I. Huberman and **Nicole Kamm** successfully settled with a Plaintiff caregiver alleging misclassification, wage and hour violations, unfair competition and wrongful termination against our client. Although the exposure for our client was potentially high, after discussions with opposing counsel, Amy and Nicole were able to successfully settle the claims for a nominal amount.

PUBLICATIONS & MEDIA MENTIONS

Valley Lawyer

(San Fernando Valley Bar Association)
Taking a Different Path: Meet SFVBA's New President
Kira S. Masteller, featured

The Franchise Lawyer

(ABA Forum Committee on Franchising)
The Franchise System's Role in Combatting Terrorism
David Gurnick, author

Best Lawyers Business Edition

2016 Best Lawyers, Family Law
Barry T. Harlan, selected

The Franchise Law Journal

(American Bar Association)
Technical Terms for Comparative Trademark Analysis
David Gurnick, author

The Business Journals

Guidelines When Considering Buying a Franchise
Barry Kurtz, contributor

SFV Business Journal

Labor and Employment Roundtable: What Employers Need to Know
Sue M. Bendavid, panelist

Valley Lawyer

(San Fernando Valley Bar Association)
Music Publisher Caught in Birthday Suit Agrees to Settle
Tal Grinblat and **Nicholas Kanter**, co-authors

The Franchise Times

2016 Legal Eagles
Tal Grinblat, selected

Super Lawyers Magazine

2016 Top Attorneys and Southern California Super Lawyers
Paul C. Bauducco, Litigation
Sue M. Bendavid, Employment
David B. Bobrosky, Personal Injury
Tal Grinblat, Franchise
David Gurnick, Franchise
Michael Hackman, Tax
Barry T. Harlan, Top 100 Attorneys in Southern California & Family Law
Stephen T. Holzer, Environmental
Barry Kurtz, Franchise
Kira S. Masteller, Trusts & Estates
Andrew L. Shapiro, Personal Injury
Lynn Soodik, Family Law

Business Edition: Super Lawyers

Nation's Top Attorneys in Business
Michael Hackman, Tax
Sue M. Bendavid, Employment
Stephen T. Holzer, Environmental