

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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Employment Law Update 2016: Sue M. Bendavid and Nicole Kamm will present our annual seminar regarding new state and federal employment laws affecting employers, on Thursday, February 18th. The presentation will take place in our Boardroom and is complimentary for clients and friends. Attorneys and accountants may earn continuing education credits, and a light breakfast will be provided. To RSVP for either session, contact Chris Podbielski: cpodbielski@lewitthackman.com.

JANUARY 2015

Recent Professional & Community Accomplishments

U.S. News and World Report's Best Law Firms 2016: For the fourth consecutive year, **Barry T. Harlan** (Certified Specialist in Family Law) and **David Gurnick** (Certified Specialist in Franchise & Distribution Law) were among the attorneys recognized by *Best Lawyers* for their work in their respective practice areas. Barry earned a *Tier 1 ranking in the Los Angeles Metro area*, and David earned a *Tier 3 National ranking*. *U.S. News and World Report* uses these rankings to determine Best Law Firms for each individual practice areas each year.

Nicole Kamm resolved a potential pregnancy and race discrimination claim lodged by a client's former employee before a lawsuit was filed, saving the client thousands in attorney's fees and expenses. Nicole also obtained full release of all claims, including any unalleged claims related to claimant's employment.

Stephen T. Holzer worked with a client in obtaining a letter from the Los Angeles County Fire Department granting a "clean" closure of the investigation of a property for contamination, meaning that there are to be no restrictions from the Fire Department on the property's use. The seller had tried and failed to achieve such a closure.

Sue M. Bendavid, David Gurnick and Amy I. Huberman represent a company that is being sued in multiple class actions by persons claiming they were misclassified and denied wages and breaks. The client invited potential class members to agree to settlements in which they received immediate compromise payments and released claims. Sue, Amy and David persuaded the judge to deny a request by the opposing lawyer to stop the client from entering into settlements with potential class members.

For the fifth consecutive year, Lewitt Hackman was named one of *Fortune Magazine's Top Ranked Law Firms in the United States*. The honors are determined by ALM Media, based on the size of the law firm and percentage of attorneys rated **AV Preeminent** by Martindale-Hubbell. Our firm far exceeds the established criteria. *Fortune Magazine* featured some of the firms in their year-end publication.

Best in Business: Congratulations to **Michael Hackman** (Certified Specialist in Tax Law), **Stephen T. Holzer** (Environmental) and **Sue M. Bendavid** (Employment) were once again named among the *Nation's Top Attorneys in Business* by *Super Lawyers Magazine Business Edition*, for 2015. Mike, Sue and Steve were culled from a list of attorneys representing thousands of firms across the United States.

Tal Grinblat (Certified Specialist in Franchise & Distribution Law), as representative of the Franchise Law Committee of the State Bar of California, worked with the staff attorney of the Bar to receive approval from the Bar's Board of Trustees to introduce two legislative proposals in 2016. One proposal would make it easier for franchisors to negotiate the terms of their franchise agreement with franchisees. The other would allow franchisors to test the waters at franchise Trade Shows without the need for formal registration. The State Bar will now seek sponsors for the proposed legislation prior to the start of the next legislative session in Sacramento.

Keith T. Zimmet guided a client through the sale of a prominent office building as the first part of an IRS Section 1031 Exchange. The matter involved both the sale of real estate as well as negotiations between the two principal owners of the building.



Barry Kurtz (Certified Specialist in Franchise & Distribution Law) and **Samuel C. Wolf** handled the franchise due diligence for an East Coast

investment firm's recent purchase of a national restaurant operator and franchisor in a transaction valued at in excess of \$60 million dollars.

David Gurnick and **Hannah Sweiss** represented a neurosurgeon who was the subject of a false public report to the National Practitioner Data Bank, filed by a hospital where the doctor had previously been on staff. David and Hannah demonstrated to the U.S. Department of Health & Human Services that the report was improper. The Department agreed, and directed the hospital to withdraw its false report. Only two percent of reports to the National Practitioner Data Bank are voided annually.

Tal Grinblat, in assessing how to overcome a Trademark Office refusal based on an earlier registration, found that despite having been on the Trademark Register for nearly 25 years, the owner of the cited registration failed to renew the mark five years back. As a result, Tal caused the Trademark Office to cancel the cited registration, which then cleared the way for our client's mark to proceed to registration.

Nicole Kamm, **Hannah Sweiss** and **Amy I. Huberman** resolved a lawsuit by a client's former employee for age discrimination, harassment, and retaliation for alleged whistleblowing activity. During mediation, Nicole won a full release of all claims, avoiding the need for further litigation.

Tal Grinblat prepared a cease and desist letter on behalf of a food manufacturer to an infringer who adopted the client's almost identical product trade dress (label) for a competing product. Monitoring and policing company trademarks is essential to avoid losing rights in the marks.

Sue M. Bendavid and **Tal Burnovski Yeyni** successfully convinced a mediator that claims for intentional infliction of emotional distress, discrimination, retaliation and wrongful termination made against our client were meritless; and assisted in resolving the dispute in a manner that was very favorable for the client.

Kira S. Masteller is preparing an estate plan for a couple whose adult daughter has a severe disability. The daughter requires disability and Medi-Cal benefits to continue to receive basic necessities throughout her life. Her share of the couple's estate will be distributed to a Supplemental Needs Trust with an appointed Trustee to manage and administer the assets during the daughter's lifetime without disqualifying her from receiving her public benefits.

Barry T. Harlan and **Vanessa Soto Nellis** (Certified Specialists in Family Law) obtained court orders to protect our client's share of various community property assets, and in modifying support orders when her living situation changed.

Stephen T. Holzer and **David Gurnick** helped a client who had money seized from a bank account pursuant to a default judgment. Stephen and David convinced the creditor that there was a substantial risk the default was improperly entered, inasmuch as the client never received notice the default was being sought. Stephen and David's arguments led the creditor to agree to an acceptable settlement of the matter.

Sue M. Bendavid, **Nicole Kamm** and **Hannah Sweiss** represented an employer being sued by several workers for wage and hour violations who were acting as "deputies" for the state of California. The employees were seeking sums that would have bankrupted the company and resulted in a closure of their operations. Though the employer lacked sufficient records, Sue, Nicole and Hannah successfully resolved the case for a small fraction of the potential award – saving our client hundreds of thousands and allowing them to remain in business.

David Gurnick and **Samuel C. Wolf** represented a medical doctor in litigation over a partnership operating urgent care clinics. The litigation was settled with the firm's client obtaining ownership of the medical practice and the opposing doctor leaving the practice.

Nicholas Kanter prevailed on a motion for summary judgment in a lawsuit arising from a non-judicial foreclosure sale. By prevailing on the motion, our client was able to avoid the time and expense associated with having to proceed with the lawsuit through trial.

Kevin E. Rex and **Barry Kurtz** represented a client in the sale of a restaurant as well as the licensing of its brand name and other intellectual property.

David B. Bobrosky of our Personal Injury Practice Group, filed a lawsuit against a business owner whose employee was driving negligently and caused a collision with our client. After the insurance company for the business failed to negotiate reasonably, David filed the lawsuit to recover compensation for our client's medical expenses, loss of earnings and pain and suffering related to the serious injuries sustained in the collision.

Congratulations to **Gabriel A. Wintner** and his wife Ellen, who gave birth to a daughter on December 30th. Big brothers Jesse and Nathan, both parents, and baby Daphne are all doing well.

PUBLICATIONS & MEDIA MENTIONS

The Los Angeles Business Journal
Eateries Fed Up: Joan's on Third
Barry Kurtz quoted

The San Fernando Valley Business Journal
Chain Offers Slice: PizzaRev in Growth Mode
David Gurnick quoted

Valley Lawyer
(San Fernando Valley Bar Association)
Online Negativity: How to Fight Back
David Gurnick, **Tal Grinblat** and **Nicholas Kanter**, authors

Los Angeles Magazine
2015 Top Female Attorneys in Southern California
Sue M. Bendavid, Employment
Nicole Kamm, Employment
Kira S. Masteller, Trusts & Estates
Vanessa Soto Nellis, Family Law
Michelle S. Robins, Family Law
Lynn Soodik, Family Law

The San Fernando Valley Business Journal
2015 Trusted Advisors
Nicole Kamm, Trailblazer Award
Barry Kurtz, Trusted Advisor Award

Juris Publishing, Inc.
Distribution Law of the United States - Second Edition
David Gurnick, book author

Law Practice Magazine
(American Bar Association)
Firm Culture: Obstacle or Catalyst for Strategic Change?
Keith T. Zimmet, quoted

Valley Lawyer
(San Fernando Valley Bar Association)
Fun With Trademarks & Copyrights: Parody, Satire and Lampoon
David Gurnick, author

KPCC: AirTalk with Larry Mantle
Watching Workers: Debating the Legality of 24/7 Tracking
Sue M. Bendavid, guest

Valley Lawyer
(San Fernando Valley Bar Association)
Don't Let Business Clients Become Accidental Franchisors
Barry Kurtz, co-author