

## 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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**2018 Tax, Trust and Estate Planning Seminar:** Michael Hackman (Certified Specialist in Tax Law) and Kira S. Masteller will present their annual Tax, Trust & Estate Planning in-house seminar on Tuesday, June 12th.

**Mid-Year Employment Law Update, 2018:** Attorneys from our Employment Practice Group will present their annual mid-year update regarding the latest judicial changes and legislative updates affecting employers in June and July. Our in-house presentation (by Sue M. Bendavid and Nicole Kamm) is slated for Thursday, June 21st, and a webinar (by Nicole Kamm and Tal Burnovski Yeyni) will also be presented on Wednesday, July 11th.

Obtain details or register online for either seminar at [lewitthackman.com/events](http://lewitthackman.com/events), or email [cpodbielski@lewitthackman.com](mailto:cpodbielski@lewitthackman.com) to RSVP.

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## JUNE 2018

### *Recent Professional & Community Accomplishments*

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**Barry Kurtz** (Certified Specialist in Franchise & Distribution Law) represents the franchisor of a restaurant chain that is selling the rights to develop 100 franchises in four eastern states. In a separate matter, Barry and **Kevin E. Rex** are working with the owner of several national chain fitness franchises located here in California. The owner is exploring the opportunity to sell these units.

**David B. Bobrosky** of our Personal Injury Practice Group was approached by outside counsel handling an injury case for some time. The outside attorney had been stymied in discovering the types and amounts of insurance policies involved, and asked David for help just days before the Statute of Limitations was to run out. David immediately filed a complaint to protect the statute and began discovery – which revealed the Defendant had substantial coverage. Our personal injury attorneys are often associated in by less experienced lawyers and smaller firms, to assist with more challenging injury matters.

**Tal Burnovski Yeyni** represented a client ordered to appear before a Labor Commissioner at a hearing in Santa Barbara, to face unpaid meal and rest break and waiting time penalties totaling thousands of dollars. Tal resolved the matter for less than half of the former employee's demand, saving our client much more in time lost in preparing for and appearing at the hearing.

**Vanessa Soto Nellis** (Family Law Certified Specialist) settled a divorce action that had been pending for over two years while the parties unsuccessfully tried to reach resolution on their own. Once they obtained representation, Vanessa and opposing counsel worked with a retired judicial officer to quickly obtain a settlement.

**Keith T. Zimmet, Sue M. Bendavid, Nicholas Kanter** and **Hannah Sweiss** successfully defended a client with over 600 employees located throughout the State of California in an employment law-based class action lawsuit. After showing our client was in substantial compliance with all laws, the court approved a final settlement on terms very favorable to our client.

**David Gurnick** (Certified Specialist in Franchise & Distribution Law) and **Samuel C. Wolf** brought a Superior Court action and late last year and earlier this year the Court ruled in favor of our firm's client. A jury awarded our client damages based on rules concerning contractual good faith, fair dealing and unconscionability.

**Nicole Kamm** and **Amy I. Huberman** resolved a Division of Labor Standards Enforcement matter at a labor commissioner conference. The Claimant alleged she was not paid for all hours worked on her final paycheck. Nicole and Amy were able to obtain a full release of all existing and potential claims for our client in exchange for a nominal amount.

**Tal Grinblat** and **David Gurnick** obtained a temporary restraining order in Alabama, against a person who was extorting our client. Through Tal and David's prompt action, our client obtained the TRO within three hours of filing the complaint for injunction against the wrongdoer.

**Nicholas Kanter** obtained dismissal of a quiet title lawsuit on demurrer. Nick argued that an underlying judgment for unlawful detainer barred the quiet title action based on the doctrine of collateral estoppel. The early dismissal will allow the firm's client to sell a property that could have otherwise been tied up in lengthy litigation



**David Gurnick** negotiated agreements and updated privacy policies for several clients in a variety of industries, as mandated by the European Union General Data Protection Regulation. The Regulation was enacted in 2016, but went into effect May 25, 2018.

**Nicole Kamm** counseled a client through a position elimination of a high-risk employee. With careful documentation and guidance through the separation process, Nicole worked with the client to obtain a full release of claims in exchange for a relatively nominal severance package. Nicole's planning and forethought helped minimize wrongful termination risk moving forward.

**Barry Kurtz** and **Matthew J. Soroky** represent a business owner who filed a claim with the California Department of Oversight. Our client contends his business opportunity investment is actually an unregistered franchise. In a separate but similar matter, Barry and Matt are working with the buyer of a business opportunity in rescinding the purchase – the business is an unregistered franchise.

**Veronica R. Woods** represented our client in a dissolution matter to resolve the entire case resulting in a very favorable outcome for our client. The parties estate is valued at over \$22 million.

**David Gurnick** and **Barry Kurtz** represented a restaurant franchisor in threatening litigation against a franchisee who breached an agreement. During mediation, David and Barry helped the parties reach a settlement which allows the franchisee to leave the system. Our client will take over the operation of the restaurant.

We are pleased to announce that two more attorneys joined our firm:

**Peter L. Ente** joins our Tax and Corporate Practice Groups as Senior Counsel. Peter earned his J.D. from the Antioch School of Law (currently the University of the District of Columbia David A. Clarke School of Law) and an L.L.M. in Tax from New York University. He is licensed to practice in California, New York and Washington D.C.

**Taylor M. Vernon** is now an Associate working in our Franchise & Distribution and Corporate Practice Groups. Taylor earned his J.D. from UCLA, and a B.A. in History from the University of Texas at Austin. He is licensed to practice in California and is admitted before the U.S. District Court for the Central District of California and the United States Court of Appeals for the Ninth Circuit.

**David B. Bobrosky** resolved a case in which our client was attacked and bitten by a dog when visiting a friend who was temporarily fostering the animal from a non-profit foundation. Generally speaking, this type of injury would garner a high five-figure settlement. However, the foundation let its insurance lapse and was not covered for the incident. Our client did not want to break the foundation's bank, and was willing to resolve the case for less than what it was worth. David negotiated an extremely fair settlement for both sides. The foundation did not need to waste donated funds, the interests of the fostering parents were protected, and David waived his fees, working *pro bono* on this matter. Everyone, especially the Firm and our client, did the right and fair thing for all involved, and the fostering parents adopted the dog after all.

**Hannah Sweiss** represented an outside law firm and obtained a favorable and expeditious resolution of a disability discrimination claim brought by a former employee.

**Barry Kurtz** and **Katherine L. Wallman** are working with numerous franchisors in creating Franchise Disclosure Documents before expanding into several global markets. Their clients are launching franchises in Canada, the United Kingdom, and Egypt, respectively – each territory posing very different compliance challenges for the individual systems.

**Veronica R. Woods** successfully retained joint child custody and child timeshare for our client of his two sons. The opposing party sought sole legal and sole physical custody, alleging child endangerment and alcohol abuse.

**Nicole Kamm** recently provided client training regarding marijuana policy in the workplace. With the passing of Prop 64 in California last year, many employers are uncertain as to their rights and obligations in protecting their businesses vs. an employee's right to use cannabis. Given the federal laws criminalizing use and possession, various state laws allowing medicinal and/or recreational use, pending legislation and judicial trends – the questions regarding workplace policies get very confusing. As the laws continue to evolve in this area, Nicole is available for training, seminars and calls, as needed.

## PUBLICATIONS & MEDIA MENTIONS

**KPCC: Air Talk with Larry Mantle**  
*Implicit Bias: Starbucks temporarily closing 8,000 stores for employees' discrimination training*  
**Sue M. Bendavid**, participant

**KPCC: Air Talk with Larry Mantle**  
*Power in numbers? Or confidential black hole? A new website that connects sexual assault victims in the workplace*  
**Sue M. Bendavid**, participant

**The Los Angeles Times**  
*Visits by ICE Spooking California Businesses, Workers*  
**Sue M. Bendavid**, quoted

**KPCC: Air Talk with Larry Mantle**  
*California Legislature: The Latest on the Mendoza Investigation and More*  
**Sue M. Bendavid**, participant

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*Product Liability Litigation Tests Jurors' Perspectives*  
**Andrew L. Shapiro**, author

**San Francisco Chronicle**  
*State Senator Bob Hertzberg's Accuser Says He Should Go*  
**Sue M. Bendavid**, quoted

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*Book Review: Legal Ethics and Social Media: A Practitioners Handbook*  
**David Gurnick**, reviewer

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*Mentoring New Lawyers Roundtable*  
**Hannah Sweiss**, participant

**San Fernando Valley Business Journal**  
*Franchise Companies Find Retail Room to Grow*  
**Barry Kurtz**, quoted

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*Unconscionability in California: Contract Power Tool for the Powerless, Powerful*  
**David Gurnick**, author

**Business Law Section e-Bulletin**  
(State Bar of California)  
*U.S. House of Representatives Passes Save Local Business Act*  
**Matthew J. Soroky**, author

**Valley Lawyer**  
(San Fernando Valley Bar Association)  
*Stress Free Holidays: A Primer for Attorneys and Their Clients*  
**Vanessa Soto Nellis**, author