

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 Employment Law Update: Sue M. Bendavid and Nicole Kamm will update clients on new legislative, regulatory and judicial changes affecting California employers. Attorneys and Accountants may earn continuing education credits, and a light breakfast will be provided. To check available dates, visit the Events page of our website: lewitthackman.com.

DECEMBER 2017

Recent Professional & Community Accomplishments

Barry Kurtz (Certified Specialist in Franchise & Distribution Law) and **Kevin E. Rex** are working with a client considering the purchase of an equity interest in a corporate franchisor, as well as becoming a franchisee in the franchise system.

Sue M. Bendavid and **Hannah Sweiss** obtained dismissal of a class action and Private Attorneys General Act (PAGA) lawsuit against a national power supply provider. Sue and Hannah worked with our client to obtain individual releases with each of its current and former employees in California. Ultimately, the only claim remaining was for the one individual employee who sued, so the court agreed to dismiss the entire class action and all the PAGA claims.

Tal Grinblat brought an action on behalf of a hair care product maker whose distributor applied to register our client's mark in Mozambique. The distributor did not have permission to do so. It was through Tal's efforts that our client was able to successfully block the unauthorized trademark application there.

Matthew J. Soroky is handling negotiations and drafting agreements in a transaction to transfer master development rights in Alberta Canada for a quick service food franchise.

Samuel C. Wolf and **David Gurnick** obtained the dismissal of an *American With Disabilities Act* lawsuit. Our client agreed to corrective action on the property and settled the claim for a nominal sum in exchange for the dismissal.

Keith T. Zimmet recently served as lead counsel guiding our client through the acquisition of a nationally known online company. The multi-state transaction allowed our client to greatly expand its core business into the highly competitive and regulated financial services industry.

David Gurnick (Certified Specialist in Franchise & Distribution Law) traveled to Raleigh North Carolina and Detroit Michigan to conduct and defend depositions of party representatives in a franchise case pending in Los Angeles. The case concerns questions under multiple states' franchise laws.

Vanessa Soto Nellis (Family Law Certified Specialist) terminated marital status for someone who wanted to remarry before the end of the year. Through bifurcation, the divorce is still pending, but a court hearing allowed our client to obtain the freedom to marry again.

Kevin E. Rex worked out a settlement whereby the majority member of a company agreed to purchase the units held by the minority members of the company. Our clients had originally sold a majority interest in their business to the majority member. Issues arose among the members relating to the operations of the business and Kevin negotiated a settlement whereby, among other things, our clients sold their remaining interests in the business to the majority member.



Kevin E. Rex advised a client on the potential pitfalls of becoming a minority member of a proposed LLC after

reviewing the proposed operating agreement. With Kevin's guidance, the client was able to negotiate more favorable terms. In another matter, Kevin has been working closely with our client and its investment banker in reviewing multiple offers to acquire our client's multi-million dollar business.

Sue M. Bendavid and **Amy I. Huberman** provided a detailed position statement for our client facing serious claims of sex and pregnancy discrimination before the Department of Fair Employment and Housing (DFEH). After considering the statement and an interview with our client, the DFEH closed the case – finding no basis to proceed further.

Nicholas Kanter obtained summary judgment for our client in an unlawful detainer action, avoiding the need for a trial. Dismayed by the trial court's ruling, the defendants in the case filed an appeal. Following detailed briefing and effective oral argument by Nick, the appellate court affirmed the trial court's ruling.

Veronica R. Woods successfully negotiated a final agreement for our client in his long-term marriage of over 20 years. The issues included child support, spousal support and property division. Both parties are in the medical field with elevated earning capacity.

Barry Kurtz and **Matthew J. Soroky** are preparing Franchise Disclosure Documents (FDDs) for a company selling franchises for a construction business for custom residential properties. In two separate matters, Barry and Matt are reviewing FDDs for clients who may purchase an auto body franchise, and an indoor trampoline business.

Nicole Kamm and **Amy I. Huberman** resolved a matter threatened by a former employee against a residential caregiver client prior to litigation. After a lengthy mediation and continued settlement discussions, Nicole and Amy reached an agreement that will enable the client to avoid further legal fees and put the matter behind them.

Matthew J. Soroky prepared franchise and development agreements for a multi-unit owner and area developer of a quick service restaurant franchise in the Houston, Texas area.

David Gurnick worked with multiple clients in preparing rules for conducting sweepstakes, or seeking to conduct a lottery contest. While state gambling laws do not allow private companies to conduct lotteries, contests that do not involve payment are considered "sweepstakes" – and may be allowed if done in compliance with applicable laws.

Sue M. Bendavid participated in the *First Annual Women in Philanthropy* fashion show and awards program benefitting Valley Presbyterian Hospital's Children Services Department.

Nicole Kamm and **Tal Burnovski Yeyni** presented a webinar regarding changes to California employment law to several hundred clients of a partner business services provider. The presentation focused especially on changes to law regarding criminal history, salary history, new discrimination protections and more. Nicole and Tal gave a similar presentation to members of the Valley Industry Commerce Association.

Sue M. Bendavid was invited to speak to junior high school students at Milken Community Schools regarding gender issues in the workplace. The presentation was part of the school's social action program. Sue focused on the consequences of sex harassment, transgender discrimination and bullying. The topic is a popular one – Sue has been providing in-depth presentations for several of the firm's clients focusing on legal liabilities and consequences for personnel and management.

PUBLICATIONS & MEDIA MENTIONS

Valley Lawyer

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

Corporate Counsel

Should Uber's Salle Yoo Have Taken Earlier Look at Due Diligence Report?
David Gurnick, quoted

Valley Lawyer

(San Fernando Valley Bar Association)
Social Media and Common Ethical Problems (MCLE feature)
Katherine L. Wallman, author

Corporate Counsel

Why Was Uber's Deal With Otto Out of the Ordinary?
David Gurnick, quoted

Business Law Section e-Bulletin

(State Bar of California)
Franchising by Duress
Matthew J. Soroky, author

Valley Lawyer

(San Fernando Valley Bar Association)
Acquiring a Business: Ins and Outs
Kyla A. Parrino, author

Business Law Section e-Bulletin

(State Bar of California)
Beware the Entrepreneurial Landlord
Matthew J. Soroky, author

Valley Lawyer

(San Fernando Valley Bar Association)
Expert Witnesses: Who They Are and How to Vet Them
Vanessa Soto Nellis quoted

Los Angeles Daily Journal

New Accounting Rule May Lower Perceived Value of Franchisors
Barry Kurtz, author

Valley Lawyer

(San Fernando Valley Bar Association)
Confusing Trademarks: The Next Course of Action
Tal Grinblat, author

SFV Business Journal

Business Roundtable: How You Can Avoid Traps in New Labor and Employment Laws
Sue M. Bendavid, participant

KHTS Radio AM 1200

Santa Clarita Valley Business Chamber Spotlight with Fred Arnold
Sue M. Bendavid, guest