

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.

JANUARY 2018

Recent Professional & Community Accomplishments

Congratulations to **Lynn Soodik** (Certified Specialist in Family Law) named one of the **Best Lawyers in America 2018**; as well as **David Gurnick** (Certified Specialist in Franchise & Distribution Law), **Kira S. Masteller** (trusts and estates) and **Andrew L. Shapiro** (personal injury litigation), all four attorneys were named **Best Lawyers Southern California 2018**. This is the sixth consecutive year David has been selected for the honor.

Nicholas Kanter was successful in obtaining summary judgment in several Unlawful Detainer cases for the firm's clients. By prevailing at the summary judgment stage, the firm's clients were able to avoid substantial delay, expense and time litigating the cases before a jury or court.

David Gurnick advised an internationally famous business consultant, speaker, and author on protecting ownership and control of social media associated with the client's name, brand and products. In another matter, David prepared a license agreement for a new software app for use at retail businesses.

Veronica R. Woods gained a significant increase in child custody and timeshare for our client, after intense litigation. While opposing counsel framed the matter as a routine modification, Veronica was able to convince the Court that the mother was actually moving away – an entirely more serious matter in child custody and with a higher burden. The Court found in our client's favor.

Sue M. Bendavid obtained a dismissal from a class action lawsuit without any payment by our client. Sue was able to demonstrate to the plaintiffs' attorney there was no basis for the claims. Rather than face malicious prosecution, the plaintiffs agreed to dismiss our client from the lawsuit.

Barry Kurtz (Certified Specialist in Franchise & Distribution Law) and **Matthew J. Soroky** negotiated and prepared a multi-unit Development Agreement as well as an Area Representative Agreement for a quick service restaurant franchisor expecting to launch over 50 locations in the coming year.

Andrew L. Shapiro represented an elderly woman who was T-boned at an intersection and suffered a mild concussion and extensive bruising as a result of the accident. Our client was a law school graduate, and attempted to pursue her injury claims on her own for about 15 months. In frustration, she finally sought representation. Andy commenced litigation and set an expedited trial date. Weeks before trial and in half the time it took our client to achieve nothing, Andy gained a mid-six figure settlement for our client.

Kevin E. Rex represented an oil industry client in acquiring a competitor which stores and delivers fuel and lubricants to customers in Southern California. In connection with absorbing this business, Kevin and **John B. Marshall** facilitated the acquisition of two parcels of real property where the competitor is currently operated.



Tal Grinblat (Certified Specialist in Franchise & Distribution Law) reviewed three applications for a company in the tech industry. By taking immediate action and addressing the Trademark Examiner's comments, our new client's applications, which stagnated after being filed by other counsel, were reinstated and allowed to proceed.

Melissa L. Mayer (Family Law Certified Specialist) successfully represented the mother in a family law matter. At the hearing and over strong opposition by opposing counsel, the court ordered the appointment of a professional monitor to protect the minor child from further abuse by the father.

Sue M. Bendavid and **Hannah Sweiss** resolved a wage and hour claim brought against a beauty industry client for just a few thousand dollars, in exchange for a full release of all claims. The entire claim and negotiations process took only a few days, also saving the client in attorneys' fees.

Barry Kurtz and **Matthew J. Soroky** prepared development franchise agreements for a master franchisor client's subfranchisor in Malaysia. In another matter, Barry and Matt prepared an FDD for a home and office construction contracting business.

Kevin E. Rex evaluated a potential purchase offer which our client ultimately decided would not help achieve stated goals. In another matter, Kevin is working with our client in evaluating multiple offers relating to the potential sale of the client's business.

David Gurnick represented a manufacturing client in obtaining consent from the owner of a famous comic strip character for the branded character to appear on product packaging.

Hannah Sweiss assisted a logistics company undergoing an Employment Development Department audit for wage and hour violations due to alleged misclassification of employees as independent contractors. Hannah's arguments ultimately convinced the EDD to remove thousands of dollars in penalties the EDD could have levied against our client.

David Gurnick issued a notice of breach of a franchise agreement on behalf of a prominent franchisor, to a longtime franchisee. The notice threatened termination since the franchisee refused to alter his conduct. On receipt of the notice, the franchisee responded through counsel that he wished to remain in the system, and would conform to the franchise agreement in future.

Veronica R. Woods expedited a dissolution matter to achieve swift resolutions including child custody, child support, spousal support and property division issues. In separate matters, Veronica finalized several divorces to enter judgment before the year end. This was especially important to clients concerned about losing the so-called "alimony deduction" when the new tax bill goes into effect.

David Gurnick advised a franchisor on current law regarding franchisors setting minimum and maximum resale prices for products sold at franchised outlets. The law is in flux in this subject area, with recent U.S. Supreme Court decisions clarifying federal law. But differing rules under state antitrust laws make the issue particularly sensitive and nuanced.

Sue M. Bendavid, in light of celebrity and other high-profile sex harassment allegations flooding news media reports, has been asked to train managers and staff-level employees on how to prevent and respond to claims of harassment, discrimination and retaliation. Changes to the law require a focus on transgender issues and bullying.

PUBLICATIONS & MEDIA MENTIONS

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

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