

## 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 Year-End Tax Planning:** Kira S. Masteller will present our annual seminar. We will provide a light breakfast, validate parking, and Attorneys and Accountants may earn CLE or CPE credit. Details will be forthcoming at [lewitthackman.com/events](http://lewitthackman.com/events).

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## OCTOBER 2018

### *Recent Professional & Community Accomplishments*

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**Barry Kurtz** (Certified Specialist in Franchise and Distribution Law), **Kevin E. Rex** and **Taylor M. Vernon** are representing a franchisor in selling a franchise system of more than 200 units. The sale is estimated to be in excess of \$50 million. In a separate matter, Barry and **Samuel C. Wolf** are working with a franchisee client in purchasing significantly expanded development rights.

**Sue M. Bendavid** and **David Gurnick** proved that an insurance company was obligated to provide a defense to a client in litigation. The insurance company initially refused to assist, claiming the client was not named as an insured under the policy. Sue and David showed that the policy's definitions broadened the scope of insured parties, and the client was within the broader scope. The insurance company then agreed to defend the client.

**David Gurnick** (Certified Specialist in Franchise & Distribution Law) represented a client in commencing an arbitration in Los Angeles against a terminated distributor located in another state. After commencing the arbitration, the distributor brought suit in its home state. Counsel in that state has now brought a motion to dismiss the litigation and require the terminated distributor to bring any claims in the earlier filed Los Angeles arbitration. In another matter, representing the manufacturer of a nationally known brand, David notified an underperforming distributor of termination, and notified the relevant community of the distributorship being awarded to a new distributor.

**Keith T. Zimmet** recently represented our client in the sale of its regional shopping center. Keith has represented and continues to represent clients in the purchase, sale, leasing, management, and financing of shopping centers, hotels, office buildings, hospitals, and industrial buildings. In a separate matter, Keith recently guided one of our clients through a major refinancing of its large working capital credit facility.

**Kira S. Masteller** is converting Qualified Terminable Interest Property (QTIP) Trusts for several clients, to Disclaimer or Continuation Trusts in order for the post death trust administration to be simplified and much less expensive to administer. Many clients with QTIP Trusts no longer require them as a result of the 2018 Federal Tax Reform.

**David B. Bobrosky** represents a gentleman who experienced a tragic accident in which he suffered serious injuries, as well as the loss of his wife of 45 years. In addition to the civil case, the client very much wanted criminal charges brought against the most culpable Defendant. Through in-person meetings and letters to the District Attorney's office, Dave and the client convinced authorities to charge the Defendant with two criminal acts, despite the Defendant being a minor (17 years old); and used a little known exception to attend closed hearings in juvenile criminal court where Defendant entered a plea bargain. Dave was compelled to intervene in the proceedings to protect our client's restitution rights, which were going to be bargained away by the prosecutor.



**Tal Grinblat** (Certified Specialist in Franchise & Distribution Law) was selected as Vice Chair of Legislation for the California Lawyer's Association's (CLA's) Business Law Section (BLS). Tal's position, which started at the CLA Convention in September, involves coordinating proposed legislation for the 15 sections of the BLS, as well as working as the primary liaison between the BLS and legislative staff in Sacramento.

**David B. Bobrosky** worked with an outside attorney regarding an ongoing personal injury matter. After many months of litigation on his own, the other attorney failed to generate a reasonable offer for his client. However, after being associated in, David conducted written discovery and took both witness and expert depositions. He then obtained a settlement for the client for the maximum policy limits available – four times more than the highest offer made to the original attorney. Our Personal Injury Department is often associated into cases by other attorneys to help on larger, more complicated cases.

**Veronica R. Woods** helped a client finalize numerous QDROs (Qualified Domestic Relations Order) for several retirement plans. Our client previously attempted to have the plans distributed through her former counsel, who let the matter stagnate for over two years. Veronica worked with QDRO counsel to finally equalize and balance the plans, ensuring numerous orders were entered by the Court.

**Tal Grinblat** worked with a client to avoid litigation and come to a favorable agreement with a disgruntled customer. The out-of-state customer hired an attorney who threatened a lawsuit in federal court. Tal and our client acted swiftly to avoid publicity and resolve the matter, thus avoiding expensive court proceedings, awards, penalties and potential damage to our client's reputation.

**Barry Kurtz** and **Katherine L. Wallman** worked with general counsel regarding a concession agreement for a local sports team. In a separate matter, Barry, Kate and Law Clerk **Caitlyn Dillon** are preparing Franchise Disclosure Documents for a pizza franchisor and a Greek yogurt franchisor

We have a new family member! Congratulations to **Hannah Sweiss** on the birth of Nylah Ashley on September 17th. Hannah, her husband Ray Howden and big sister Sannah are all doing well..

**Maurice Lewitt** recently completed 24 mediations for claimants who have been afflicted with Level III Asbestos/Pleural Disease, due to exposure to an asbestos-contaminated product used in the manufacturing industry. The Respondents are Trusts set up by companies in those industries. No damages are typically awarded in the proceedings, but the mediations are a prerequisite to arbitrations filed by the claimants or their estates. Maurice has acted as Mediator in approximately 100 such cases.

**Matthew J. Soroky** and **David Gurnick** represented an out-of-state company defending an arbitration that claimed our client unlawfully sold and unlawfully terminated a Master Dealer. The terminated dealer sued our client for more than \$15 million. Matthew and David demonstrated to a panel of arbitrators that the claims lacked merit. The panel agreed and awarded our client recovery of legal fees against the terminated Master Dealer.

**Kira S. Masteller** is completing estate/gift tax planning for clients by selling properties to Grantor Trusts benefitting their adult children. The children become involved in the family real estate and development business during their parents' lives, benefitting from their parents' experience and guidance – which ultimately prepares them to receive and effectively manage their inheritance of additional properties in the future. The parents will continue to receive income because the trusts pay interest on Promissory Notes securing the sales.

**Veronica R. Woods** and **David Gurnick** jointly appeared in Court on behalf of our client in a case involving both family law and civil claims. Veronica and David successfully brought a "demurrer," challenging a Complaint filed by our adversary. The Court agreed with Veronica and David, ruling that the Complaint against our client was deficient. The Court also set a bifurcated trial on the separate issue of whether the firm's client and adversary had a common law marriage under the law of another state. The case is unique in that it involves constitutional issues, questions of retroactive application of changes in law, and laws of multiple states.

## PUBLICATIONS & MEDIA MENTIONS

### **Valley Lawyer**

(San Fernando Valley Bar Association)  
*Class Action Lawsuits Roundtable: Consult Early On*  
**Sue M. Bendavid**, contributor

### **Bankruptcy Handbook for Franchisors and Franchisees**

(American Bar Association Treatise)  
Chapter 6: *Intellectual Property Issues*  
**David Gurnick**, co-author

### **Valley Lawyer**

(San Fernando Valley Bar Association)  
*A-B-C Test Not as Easy as 1-2-3 for California Businesses*  
**Sue M. Bendavid**, co-author

### **Franchise Law Journal**

(American Bar Association)  
*Unconscionability in Franchising*  
**David Gurnick & Samuel C. Wolf**, authors

### **Valley Lawyer**

(San Fernando Valley Bar Association)  
*Gas Station Franchises: Federal and California State Regulations*  
**David Gurnick & Matthew J. Soroky**, authors

### **San Fernando Valley Business Journal**

*California Labor and Employment - A Roundtable Discussion*  
**Sue M. Bendavid**, participant

### **KPCC: Air Talk with Larry Mantle**

*Implicit Bias: Starbucks temporarily closing 8,000 stores for employees' discrimination training*  
**Sue M. Bendavid**, participant

### **The Northern California Record**

*Indio, Coachella Aren't the Only Places Where Code Violations Can Lead to Huge Legal Bills, Lawyer Says*  
**John B. Marshall**, quoted

### **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

### **Valley Lawyer**

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