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A LAW CORPORATION

Please visit our COVID-19 Resources Page for information regarding federal, state, and local orders and regulations stemming from the pandemic:

lewitthackman.com/coronavirus-resources/

BUSINESS PRACTICE GROUPS

- Business & Civil Litigation
- Commercial Finance
- Corporate
- Employment
- Environmental
- Franchise & Distribution
- Health Care
- Intellectual Property
- Mergers & Acquisitions
- Real Estate
- Tax Planning

CONSUMER PRACTICE GROUPS

- Family Law
- Personal Injury
- Trust & Estate Planning

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Employment Defense Webinar: Please join our Employment Practice Group Attorneys for our annual, complimentary presentation regarding the many new laws and legal decisions affecting California employers, including: The *California Family Rights Act*, COVID-19 leave policies and legislation, minimum wage increases, CalSavers Program compliance, and much more. We're offering two sessions in January. For details and to RSVP, please visit the Events page of our website: lewitthackman.com/events/

DECEMBER 2020

Recent Professional & Community Accomplishments

We are pleased to announce that Lewitt Hackman has been named a **Best Law Firm** in Los Angeles by *Best Lawyers Magazine* in conjunction with *U.S. News and World Report*, in six different practice areas: Employment, Family Law, Franchise, Personal Injury, Tax, and Trusts & Estates. This is the fourth consecutive year in which our firm has achieved this ranking.

Mark J. Phillips (Certified Specialist, Estate Planning, Probate & Trust Law) represents a trust beneficiary living in the Midwest concerned about delays in administering her parents' California trust. Over a period of four months, Mark was able to compel the trustee (our client's sibling) to provide documentation, produce an accounting, and make required trust distributions, all without the necessity of a costly and protracted court proceeding.

Barry Kurtz (Certified Specialist in Franchise & Distribution Law) and **Katherine L. Wallman** are representing a restaurant chain in the renewal of its restaurant management/license agreement with a Las Vegas hotel. In another matter, Barry and Kate are working on franchise registration for an operator of several Mexican restaurants.

Sue M. Bendavid represented a client in an Employment Development Department audit. The company was facing claims of employee misclassification. Sue obtained a finding that the workers were correctly classified as independent contractors.

Paul C. Bauducco resolved a real property lease and licensing dispute for a property owner in the agricultural industry. Our client's tenant had an option to purchase the property which our client wanted voided because the tenant breached terms of the agreement. Additionally, our client wanted to re-attain the licensing for the products grown on the property. Paul negotiated a deal that achieved both goals for our client and avoided the need for costly and time-consuming litigation.

Andrew L. Shapiro, Thomas Cecil and David B. Bobrosky defeated a Motion for Summary Judgment filed by a City defendant in a fatal car accident in which one vehicle careened onto a sidewalk, seriously injuring our client and killing his wife. Our firm filed suit against the drivers as well as the City, alleging a defectively timed yellow light and lack of an "all red" phase led to the accident. Taking numerous depositions and employing expert witnesses, Andy, Tom, and David showed the Court there was sufficient evidence to find fault with the City. The City must now defend the case at Trial.

Kevin E. Rex and Taylor M. Vernon represented a client in the physical therapy industry with the seven-figure sale of their business to a buyer in the same industry. Kevin and Taylor also negotiated several ancillary agreements including an employment agreement, transition services agreement and management services agreement as part of the transaction.

Jessica W. Rosen obtained a dismissal of a well-known international franchisor in a breach of commercial lease agreement, weeks after service of the complaint. The franchisor signed an option to assume lease that was attached to the commercial lease between landlord and franchisee. Jessica persuaded the landlord to voluntarily dismiss the franchisor because the franchisor was not the tenant and no other relationship existed to hold the franchisor vicariously liable for its franchisee's alleged breach.

Zane S. Averbach, Mark J. Phillips, Kira S. Masteller, Jana G. Garrotto, Alex J. Hemmelgarn and Kyla A. Parrino have been working with multiple clients to review and potentially revise their estate plans because of the recent passage of Proposition 19. The new law effectively eliminates the existing exclusion from property tax reassessment when real property passes from parents to children. Our Trust & Estate Planning Practice Group is accelerating appropriate transfers before Proposition 19 becomes effective on February 15, 2021.

David Gurnick (Certified Specialist in Franchise & Distribution Law) and Paralegal **Marianne Toghia** prepared multi-unit development agreements and franchise agreements for franchisors in various industries, among them popular quick service restaurants and tangible products.

Kira S. Masteller and Paralegal **Gina Aubry** worked on a post death trust administration for a client who passed away before he transferred his asset into his trust. A Heggstad Petition was filed which utilized the client's general assignment of assets to the trust and his pour over will, in order to obtain a court order confirming title of assets in the trust to avoid costly and time-consuming probate proceedings.

Tal Grinblat (Certified Specialist in Franchise & Distribution Law) represented a Northern California franchisee in the fitness industry in negotiating an early termination of the franchise agreement. Continued operations became impossible due to the pandemic. In a separate matter, Tal worked with a franchisor to resolve a dispute with a Sacramento based franchisee, thereby permitting the franchisor to re-sell the territory to another party.

Sue M. Bendavid and **David Gurnick** prepared a document retention policy for an intellectual property licensing client.

Paul C. Bauducco resolved a matter for our contractor client, settling a lawsuit to foreclose a mechanic's lien. Paul obtained the full amount owed as well as attorneys' fees and costs incurred in the lawsuit.

Barry Kurtz and **Taylor M. Vernon** successfully closed the sale of a franchise pilates studio on behalf of the seller. In a separate matter Barry and Matthew J. Soroky are working on franchise registration for a medical spa business.

Kira S. Masteller and **Alex J. Hemmelgarn** represent numerous clients in completing 706 Estate Tax returns electing portability to add a deceased spouse's unused Federal Estate Tax Exemption to the surviving spouse's exemption. This is particularly important if the Federal Estate Tax Exemption (currently \$11,580,000) is reduced in the future.

David Gurnick is working with several clients to renegotiate or end business contracts made impracticable or impossible due to the pandemic and government orders. David has represented clients in enforcing contracts over force majeure and other challenges. These include distribution agreements, leases, promissory notes, season tickets, corporate events, personal events and business and leisure travel.

Tal Grinblat and **Matthew J. Soroky** filed an Opposition Proceeding against a trademark applicant who was seeking to register a confusingly similar mark to our client's trademark. This step prevented the infringing mark from proceeding to registration until the Trademark Trial and Appeal Board can rule on the similarity of the marks.

Vanessa Soto Nellis (Certified Family Law Specialist) resolved a case in which a client was owed hundreds of thousands of dollars from a 2016 Judgment of Dissolution and the other side never paid. In addition to the money owed, the client received attorneys fees as part of the resolution and avoided a court hearing.

Sue M. Bendavid defended a company sued for disability discrimination, wrongful termination, retaliation, and other claims, by a former shareholder/employee of our client. Sue resolved the matter and arranged for the return of all company shares to our client.

Jana G. Garrotto and **Kyla A. Parrino** have been working with a private investigator to locate an interested party and serve notice of a Petition on that interested party whose whereabouts are unknown after relocating to Florida several years ago. The Petition concerns Trust assets where the interested party was removed from the Trust, but is still named as the beneficiary of record of those assets. Jana and Kyla are working with their client to petition the Court to have those assets transferred to the Trust.

Kevin E. Rex and **John B. Marshall** worked with a client to acquire a key piece of real property adjacent to the client's current business. In a separate matter, Kevin and John represented a client in obtaining insurance coverage to repair an electrical system that was damaged.

Barry Kurtz, **Tal Grinblat**, **Matthew J. Soroky** and **Katherine L. Wallman** are preparing for upcoming franchise registration renewals in early 2021, which brings the added task this year of advising our franchisor clients on adjustments to their franchise offerings due to the effects of COVID-19.

Tal Grinblat successfully overcame refusals to register a French client's trademarks in the U.S. The client sought to register the marks via the Madrid Protocol and encountered problems getting the U.S. applications through. Tal was then retained by the client's French counsel, and through Tal's intervention, the applications were approved for publication.

David G. Jones presented a webinar for the Labor and Employment Committee of the Valley Industry Commerce Association. The webinar was titled *Overview: New Labor and Employment Laws*.

Stephen T. Holzer was reappointed to the Board of Directors of the United Chambers of Commerce. Both Steve and **Kira S. Masteller** were appointed to serve the Board of the Valley Community Legal Foundation.

Sue M. Bendavid served as the presiding judge in Loyola Law School's National Moot Court competition. The event helps law students with their trial advocacy skills. Sue participates as a judge each year.

PUBLICATIONS & MEDIA MENTIONS

Valley Lawyer (San Fernando Valley Bar Association)

Social Media and Common Ethical Problems (MCLE article)

Katherine L. Wallman, author

The Los Angeles Daily Journal

Assembly Bill 5 and the Future of Franchising

Barry Kurtz and **Matthew J. Soroky**, authors

Valley Lawyer (San Fernando Valley Bar Association)

Showdown Over the Pronoun

David Gurnick, co-author

Valley Lawyer (San Fernando Valley Bar Association)

Learning from 2020's Wild Ride

Kira S. Masteller, author

The Los Angeles Daily Journal

Tax Law Specialist Had a Fun and Meaningful Life, Friends Recalled

Zane S. Averbach & Mark J. Phillips quoted

The Los Angeles Daily Journal

San Fernando Valley Bar President Aims to Promote Community

David G. Jones featured

San Fernando Valley Business Journal

Bar Association Elects David Jones as President

David G. Jones featured

Valley Lawyer (San Fernando Valley Bar Association)

First Out the Gate: Meet SFVBA President David G. Jones

David G. Jones featured

The Los Angeles Daily Journal

Reformation of Unambiguous Wills in Light of Estate of Duke

Mark J. Phillips, author

San Fernando Valley Business Journal

Uber, Lyft Remain in Business for the Present

Sue M. Bendavid quoted