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APRIL 2021

## Recent Professional & Community Accomplishments

### 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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Congratulations to **Tal Grinblat** (Certified Specialist in Franchise & Distribution Law), named a **Legal Eagle** by *Franchise Times Magazine*. According to the magazine, recognition is based upon recommendations by clients, peers, and other professionals. This is the seventh consecutive year Tal has been so designated.

**Zane S. Averbach** and **Alex J. Hemmelgarn** represented a tax client in obtaining a reversal of a nearly seven figure Internal Revenue Service penalty. The penalty was originally assessed based upon transfers by a U.S. person to a foreign trust.

**Matthew J. Soroky** and **David Gurnick** (both Certified Specialists in Franchise & Distribution Law) represented a restaurant with a nationally known brand, seeking to protect its trademark from infringement by a large franchise system that uses the same name. The franchisor, an east coast company, moved in U.S. District Court in Los Angeles to have the case transferred out of state. Matt and David persuaded the U.S. District Judge to deny the motion and let our client's case go forward in California.

**Jana G. Garrotto** and **Kyla A. Parrino** represented a client who sought to revise her entire estate plan, as a result of Proposition 19 – the 2020 law regarding family-property transfers. Our client was not a good candidate for making during-life property transfers, even after Prop 19 passed. As a result, her entire estate plan, including several dynasty trusts for her children and grandchildren, is being re-evaluated and revised to reflect our client's wishes.

**Tal Grinblat** and Paralegal **Marianne Toghia** submitted requests for interpretive opinions to six different state agencies on behalf of a client whose business involves the purchase and sale of cryptocurrency on behalf of clients. The letters sought opinions on whether the client's operations in those states would trigger registration or other compliance under their respective money transmitter laws. Cryptocurrency is not considered fiat (cash currency) and therefore not regulated uniformly across states.

**Barry Kurtz** (Certified Specialist in Franchise & Distribution Law) and **Taylor M. Vernon** are handling extensive due diligence for a client purchasing a 300+ unit franchisor.

**Keith T. Zimmet** represented our client through its 100% stock acquisition of a company which operates numerous nationally known restaurants. The transaction was complicated by issues arising from COVID-19 as well as various federal and state laws recently passed in response to the pandemic.

**Sue M. Bendavid** and **Nicholas Kanter** achieved an outstanding result for a client sued by a former employee, who claimed he was not paid the full amount of commissions owed under his agreement. After Sue and Nick obtained the dismissal of Labor Code claims as well as thousands of dollars in sanctions against the former employee and his attorney, the plaintiff agreed to dismiss his lawsuit with prejudice.

**Kevin E. Rex** and **Taylor M. Vernon** worked with clients in the insurance brokerage industry with an eight-figure asset sale of the client's various entities and personal goodwill for certain members of the management team. The transaction included negotiating the purchase agreement as well as several ancillary agreements including a transition service agreement, executive employment agreements, personal goodwill contribution and sale agreements, and equity exchange agreements. **Peter L. Ente** worked on the structure of the deal and provided tax advice.

**Tal Grinblat** represented clients based in France in filing affidavits in the U.S. Trademark Office to keep their registrations in effect. Normally, foreign trademark registrants do not need to show use of their mark in the U.S. to obtain a registration. However, to keep their registrations in effect, these companies must file an affidavit after five years proving use of the mark in the U.S. Tal helped these companies prepare the evidence needed and file the affidavits.

**Jessica W. Rosen** and **David Gurnick** persuaded a federal judge to order production of corporate bank records of a terminated distributor. The firm's client manufactures branded personal care products. The company terminated its European distributor and sued for breach of contract and fraud after the distributor failed to pay for merchandise. The distributor refused to produce bank records, deemed relevant to questions about the distributor's ability to pay, and its use of funds to buy competitive merchandise in breach of a commitment to deal exclusively in the products of our client.

**David B. Bobrosky** of our Personal Injury Practice Group obtained a settlement for hundreds of thousands for our client in a trip and fall matter. Our client was a long-time customer of a mailbox/package service store. When exiting the facility, which she had done several times over a period of years, our client tripped over a single step at the door, breaking her wrist which required surgery. David was able to show that the single step at the exit is inherently dangerous, and that although there may have been visibility of the step there was no conspicuity.

**Vanessa Soto Nellis** (Certified Family Law Specialist) settled a matter pending for three years, by convincing the Court it should sanction the other side, who failed to comply with court orders in preparation for trial. Given the impending sanctions, the other side fired his counsel, and was willing to reach a reasonable settlement.

**Jessica W. Rosen** persuaded a plaintiff to voluntarily dismiss our global franchisor client from a claim of disability violations at a franchisee's store. Jessica showed the plaintiff's attorney why there was no liability against the franchisor, who was not the tenant, did not control the premises, and required franchisees to follow all local, state, and federal laws.

**Tal Grinblat** worked with a number of clients whose businesses involve cannabis, in formulating a strategy for registering their marks in the Federal U.S. Trademark Office, which limits registration of marijuana-related products.

**Kira S. Masteller** and **Kyla A. Parrino** successfully petitioned a Court in California to have assets in the name of an individual Decedent confirmed as assets of his Missouri Trust in order to avoid a long and costly probate proceeding in Missouri. We were able to work through a California beneficiary in order to obtain this positive result for the Missouri Trustees.

**Barry Kurtz** and **Matthew J. Soroky** represent a franchisee in resolving multiple COVID-19 related rent and royalty issues between our client and its landlord, as well as our client and its franchisor. In a separate matter, Barry and Matt are reviewing franchise documents for a franchisee's purchase of a fast casual Mexican restaurant.

**Jana G. Garrotto** and **Kyla A. Parrino's** Petition for Order Determining Trust's Title to Property based upon the Settlor's handwritten Amendment to her Trust drafted and executed just hours prior to her death, was granted by the Court, thereby ordering significant assets of the Settlor to be transferred to the beneficiaries named in the Trust Amendment.

**Sue M. Bendavid** represented a franchisor accused of being the employer of its franchisee's employees. The employees filed claims for wages and penalties. On the eve of trial, Sue convinced the plaintiffs to entirely dismiss their case against the franchisor, and persuaded the franchisee to take responsibility for the action. Our client was absolved of all financial burden.

**Barry Kurtz** and **Katherine L. Wallman** are updating a master license agreement and a unit license agreement for the development of restaurant franchises in the Middle East. In another matter, Barry and Kate are preparing franchise registration documents for a franchisor in the beauty care business.

**Sue Bendavid** worked with a client in resolving a fiercely contested sex harassment case where the opening demand was over a million dollars. At mediation, the case resolved for a low five-figure settlement paid in installments over a lengthy period of time.

**Matthew J. Soroky** represented a franchisee in obtaining a release from his franchise agreement with favorable terms for the client's independent operation, as a result of the franchisor's legal violations in connection with the franchise sale.

**Jana G. Garrotto** and **Kyla A. Parrino** worked with Co-Trustees of a blended family to administer their parents' Trust. In doing so, Jana and Kyla helped with tax planning in the case of one parent's death and the incapacity of the surviving parent. In a separate matter, Jana and Kyla obtained a bond for an out-of-state client who was required to post a bond as a condition of being appointed Administrator of Estate for his relative's estate in California.

**Vanessa Soto Nellis** settled a request for temporary spousal support, avoiding the time and expense of a hearing. Since the firm made reasonable settlement proposals, and the other side delayed a prompt settlement, the parties agreed that the court could later decide a fee award for all related fees.

**Matthew J. Soroky** represented a large franchisor in negotiating a franchise termination and non-compete agreement with a former franchisee, on favorable terms to resolve a contentious separation dispute that nearly escalated to litigation.

**Sue M. Bendavid** provided one-on-one training for a company's chief executive regarding best practices for managing employees. Sue focuses on the myriad laws impacting management decisions in the workplace.

**David Gurnick** was selected to serve on the 2021 Nominating Committee of the American Bar Association Forum on Franchising. The Committee will nominate members to serve in leadership positions of the organization.

## PUBLICATIONS & MEDIA MENTIONS

**Franchise Law Journal** (American Bar Association)

*Nuts, Bolts, and Outline for Teaching Franchise Law; Would Socrates Approve?*

**David Gurnick**, coauthor

**The Los Angeles Daily Journal**

*Strange New World: Restrictions on the Right to Posthumously Procreate*

**Mark J. Phillips**, author

**Franchise Times Magazine**

*Regulatory Watch: Gauging Legislative Impacts on Franchising*  
**Tal Grinblat** quoted

**San Antonio Lawyer**

*Charles Manson 50 Years Later - Part I: The Murders*

**Mark J. Phillips** co-author

**San Fernando Valley Business Journal**

*Closed Courts, Stay-at-Home Impact Attorneys*

**David G. Jones** quoted

**San Fernando Valley Business Journal**

*Franchising/Intellectual Property Special Report*

**Tal Grinblat** quoted

**The Current Weekly Response** (Los Angeles County Bar Association)

*LACBA Celebrates Women's History*

**Jana G. Garrotto** featured

**San Fernando Valley Business Journal**

*Legal Markets in Flux*

**David G. Jones** quoted

**The Los Angeles Daily Journal**

*Employer Guidelines for COVID-19 Infections in the Workplace*

**Sue M. Bendavid** and **Tal Burnovski Yeyni**, authors

**San Fernando Valley Business Journal**

*Why Some Franchises are Thriving*

**Barry Kurtz** commentary

**Super Lawyers Magazine**

*2021 Southern California Super Lawyers & Top 100*

**17 Lewitt Hackman Attorneys** named