



LEWITT | HACKMAN  
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SEPTEMBER 2022

Recent Professional & Community Accomplishments

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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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We are pleased to announce that nine of our attorneys were recognized by *Best Lawyers Magazine* for 2023. Our firm's *Best Lawyers* include: **Michael Hackman**: Tax Law; **Andrew L. Shapiro**: Personal Injury Litigation; **Sue M. Bendavid**: Employment Law - Management, as well as Litigation - Labor and Employment; **David Gurnick**: Franchise Law; **Jeffrey A. Kobulnick**: Trademark Law, as well as Litigation - Intellectual Property; **Barry Kurtz**: Franchise Law; **Kira S. Masteller**: Trusts and Estates; and **Lynn Soodik**: Family Law. **Jessica W. Rosen** was named *Best Lawyers: Ones to Watch*, for her work in Labor and Employment Law - Management.

Congratulations to **Sue M. Bendavid** and **Barry Kurtz** (State Bar of California Certified Specialist in Franchise & Distribution Law), recognized by the *San Fernando Valley Business Journal*, as one of the *Valley's 200* most influential business leaders in the San Fernando Valley.

**Nicholas Kanter** and **Tal Burnovski Yeyni** represented a client facing two separate lawsuits by the company's former employees. The plaintiffs claimed their damages were in the seven figures. After taking the plaintiffs' depositions, Nick and Tal settled both matters at a small fraction of the amount claimed by plaintiffs, saving our client substantial fees and costs, and avoiding jury trials in both cases.

**Jeffrey A. Kobulnick** and **Jessica W. Rosen** amicably resolved a litigation matter pending since 2016. The resolution saved our client significant costs associated with taking the case to trial.

**Matthew J. Soroky** (Certified Franchise & Distribution Law Specialist) obtained a dismissal of a franchisor client that was named in a sexual harassment lawsuit brought by a former employee of a franchised location. Matt advised the plaintiff's attorney on the applicable law and negotiated with the franchisee for defense of the action, resulting in substantial savings to the client.

**David G. Jones** and **Chrystal Ferber** resolved a contentious wage and hour matter for our security company client. The class action claims involved over 600 employees alleging overtime and rest break violations occurring over a period of more than five years. In mediation, plaintiff's counsel threatened to cancel during the first session. Dave and Chrystal convinced opposing counsel to accept a small fraction of their multi-million dollar demand, due to the financial condition of the company.

**David Gurnick** (Certified Specialist in Franchise & Distribution Law) represented an ex-franchisee of a well-known restaurant brand, to negotiate a settlement with the franchisor. A plaintiff filed a class action for an incident that occurred when our client owned the restaurant, and the franchisor sought indemnity for the class action. David provided the franchisor with legal analysis against the indemnity claim and negotiated a settlement favorable to our client.

**Vanessa Soto Nellis** (Certified Family Law Specialist), successfully mediated a custody agreement for our client, who expected all attempts to mediate to fail, ultimately resulting in further litigation. Because the parties were able to come to terms in mediation, our client was able to achieve his custody goals more quickly and cost effectively.

**Steven L. Feldman** successfully resolved an Administrative Enforcement Order issued by the California County Department of Environmental Health against our client, alleging a violation of Hazardous Waste Control laws under Health and Safety Code.

**Tal Grinblat** and **Jessica W. Rosen** won a Trademark Trial and Appeal Board dispute for our client – a nationally known productivity guru and author – against a trademark applicant seeking to register a confusingly similar mark to our client's tag line. The Trademark Trial and Appeal Board entered judgment against the applicant and refused registration of the applicant's mark.

**Sue M. Bendavid** and **Nicholas Kanter** resolved a claim against our client that included a long list of alleged labor code violations, including PAGA (the *Private Attorneys' General Act*) claims. After extensive negotiations, the plaintiff agreed she was not an "aggrieved employee" under PAGA and had no standing to sue. The PAGA claim could have exposed our client company to millions in penalties.

**Kevin E. Rex** and **Taylor M. Vernon** represented a client in the physical therapy industry with a seven figure sale of his business. The transaction included a pre-sale restructuring and the negotiation of several ancillary agreements, including a management services agreement, employment agreement, and transition services agreement.

**Nancy Martinez** successfully opposed an ex-husband's demand that our client pay for and have custody of, the former family dog, which had lived primarily with the ex-husband since the parties' divorce. The Court ordered the ex-husband to continue to be solely responsible for all costs and care of the dog. The parties' Judgment predated the pet custody provision of the Family Code, which now exists, but found in favor of our client.

**Nicholas Kanter** represented a client in the appeal of a decision by an administrative law judge that held our client's former employee was eligible for unemployment insurance benefits. The client terminated the former employee for fighting with a co-worker and subsequently opposed the former employee's application for unemployment benefits. On appeal, Nick convinced the California Unemployment Insurance Appeals Board to reverse the administrative law judge's decision and deny unemployment benefits to the former employee.

**Kira S. Masteller** resolved a matter in which two beneficiaries of a trust with numerous real properties did not wish to continue to own properties together. Kira negotiated a Settlement Agreement to fairly allocate the properties – taking into account available property tax exclusions, rental income, rent controls, sales values vs. appraised values, and the goals of each beneficiary – all while fulfilling the decedent's wishes.

**Barry Kurtz** and **Taylor M. Vernon** represent a franchisee client selling her business, in reviewing and preparing purchase and sale and transfer documents. In other matters, Barry, Taylor and **Caitlyn Dillon** are working with other clients to review franchise disclosure documents related to the potential purchases of bakery and fitness franchises.

**Zane S. Averbach** and **Alex J. Hemmelgarn** closed a probate estate representing a long term client as executor whose relative passed without previously establishing a trust. The estate had several real and personal properties in California and Texas, and there was some challenge in locating the client's will. Despite the hurdles, Zane and Alex worked efficiently to complete the probate administration of the estate.

**Tal Grinblat** worked with a client in the cosmetic industry in conducting clearance searches for a new hair care product line for kids and then filed 11 trademark applications to protect those names, all in a span of 48 hours. The filings had to be expedited to permit an upcoming announcement of the new product line.

**Tal Burnovski Yeyni** represented a small business that received a demand to pay a former employee nearly \$200K for alleged wage and hour violations. Tal negotiated with opposing counsel to significantly reduce the settlement, which resulted in substantial savings for our client and the additional expenses of continued litigation.

**Barry Kurtz** and **Matthew J. Soroky** are working with two franchisee clients in different businesses whose franchisors are attempting to terminate their franchise agreements and deprive them of the opportunity to sell their businesses. In yet another matter, Barry and Matt represent a franchisee client who wishes to leave a franchise system because of the sale of the franchisor.

**Nicholas Kanter** represented a hotel in an unlawful detainer lawsuit against a hotel guest who refused to check-out. Nick filed a motion for summary judgment demonstrating the hotel was entitled to possession of the hotel room. The Court granted Nick's motion and entered a judgment for possession, thus avoiding the need for a jury trial.

**Jeffrey A. Kobulnick** successfully resolved a complicated and somewhat contentious trademark dispute for a client which involved opposition and cancellation proceedings with the U.S. Patent and Trademark Office Trademark Trial and Appeal Board and pending civil litigation in federal district court.

**David Gurnick**, representing a client with a nationally known line of consumer products, demanded that a competitor stop making products using an infringing trademark. After multiple demands, the competitor replied that it stopped all manufacturing of the offending product line. In a separate matter, David represented a client in professional development consulting and worked with the client in renegotiating an agreement for a longtime reseller of the client's programs.

## Publications & Media Mentions

**San Fernando Valley Business Journal**  
*Labor & Employment Roundtable*  
July 2022

**Sue M. Bendavid**, participant

**Business of Law: Trends, Updates, Visionaries & The In-House Counsel Leadership Awards** (a publication of the *Los Angeles Times*)

**Barry Kurtz** featured

**San Fernando Valley Business Journal**  
*Supreme Court Limits PAGA*

**David G. Jones** quoted

**Valley Lawyer** (San Fernando Valley Bar Association)

*Proposition 65: Primer and Alert*

**Stephen T. Holzer** and **Steven L. Feldman**, authors

**FORUM**, (a publication of the *Consumer Attorneys of California*)

*Protecting the Brain Injury Survivor from Unscrupulous Defense Neuropsychologist Testing*

**Thomas Cecil**, author

**Valley Lawyer** (San Fernando Valley Bar Association)

*Ancient Legal Maxims: Still Alive and Still Useful*

**David Gurnick**, author

**San Fernando Valley Business Journal**  
*Labor & Employment January 2022: Roundtable Discussion*

**Sue M. Bendavid**, participant

**The Los Angeles Daily Journal**  
*Tangled Rules for Modification of Revocable Trusts*

**Mark J. Phillips**, co-author

**Valley Lawyer** (San Fernando Valley Bar Association)

*The Rule of Law: No One is Above It*

**David G. Jones**, author

**San Fernando Valley Business Journal**  
*L.A. Vaccine Mandate Starts Monday*  
**Lewitt Hackman** Client Advisory

**Corporate Counsel**

*Restaurant Chains Fret They'll Be on Hook for Franchisee Transgressions*

**Barry Kurtz** quoted

**The Los Angeles Daily Journal**  
*What to Know About LA's 'Proof of Vaccination' Ordinance*