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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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Recent Professional & Community Accomplishments

Congratulations to **Barry Kurtz**, recognized a **Legal Visionary** in a *Los Angeles Times* supplement, *Consumer Attorneys of Southern California: Trends, Updates and Visionaries*. Barry was also selected to the **Top 100 Lawyers for 2023** by the *Los Angeles Business Journal*.

Congratulations as well to our attorneys named **2023 Southern California Rising Stars** by *Super Lawyers Magazine*. They include: **Alex J. Hemmelgarn** (Estate & Probate), **Jessica W. Rosen** (Business Litigation), **Matthew J. Soroky** (Franchise & Dealership), and **Taylor M. Vernon** (Business and Corporate).

Kira S. Masteller and **Kyla A. Parrino** filed a petition with the court to replace a deceased Trustee of a 30-year-old trust with the next generation of beneficiary/available successor Trustees, who were then able to sell the trust's real property without delay. Kira and Kyla also negotiated a settlement with the deceased beneficiary's unmarried partner to fulfill the beneficiary's wishes to avoid a costly litigation with the children.

Nicholas Kanter prevailed on a motion for terminating sanctions. After the opposing party failed to cooperate with his discovery obligations, Nick filed the sanctions motion, arguing that dismissal of the lawsuit was appropriate, and that no lesser sanction would suffice. The court agreed, and dismissed the lawsuit.

Barry Kurtz and **Taylor M. Vernon** represented a client in the purchase of an eye-care franchise and a motorcycle dealership from their current owners. In a separate matter, Barry and **Caitlyn Dillon** prepared franchise disclosure documents for clients in the restaurant industry.

John B. Marshall and **Paul C. Bauducco** favorably resolved a client's construction defect matter. The resolution provided our client with funds to correct the defects in an industrial building it had purchased, while avoiding trial and the associated litigation costs.

Sue M. Bendavid was engaged as a neutral third party investigator by in-house legal counsel for a large, global company accused of discrimination. Sue interviewed witnesses, reviewed documents, and presented her findings. All employers should remember that claims of harassment and discrimination should be promptly and thoroughly investigated by a neutral party, and responsive action should be taken when applicable.

Barry Kurtz and **Katherine L. Wallman** (both Certified Specialists in Franchise & Distribution Law) worked with a U.S. client and international counsel regarding franchise matters in Quebec. In separate matters, Barry and Kate are structuring the purchase of an international, high-end hotel franchise, and prepared franchise registration and disclosure documents for an international corporate management consulting firm.

Andrew L. Shapiro of our Personal Injury Practice Group obtained a multi-million dollar settlement for an elderly client whose legs were fractured when hit by a car in a parking lot. He also recovered six figure policy limits for family members that were traumatized at witnessing the incident. Andy was brought into the case by an outside attorney – small firms or sole practitioners not equipped to handle high stakes litigation and trials often seek help from our personal injury attorneys.

Vanessa Soto Nellis (Certified Family Law Specialist) negotiated a divorce settlement for a client with tax challenges concerning their business. The challenges made it hard to determine the value of the business and cash flow for the client – which in turn presented obstacles for calculating support obligations. Vanessa facilitated a reasonable agreement acceptable to both parties.

Nicholas Kanter and **Tal Burnovski Yeyni** resolved class action litigation and Private Attorneys General Act (PAGA) lawsuits against our client. Through intense negotiations with opposing counsel, Nick and Tal obtained an early resolution, thus saving our client the high costs of litigation. Additionally, all putative class members accepted the settlement, offering our client finality and closure regarding this matter.

Kira Masteller and **Kyla A. Parrino** prepared Irrevocable life insurance trusts for spouses (each slightly different) who had individual life insurance policies on each of their lives that would create a tax in their estate after both of them passed while they owned the policies. By having the policies owned by a Trustee of a life insurance trust for the benefit of each spouse and thereafter for the children, the life insurance proceeds will not be included in their taxable estate when both have passed.

Barry Kurtz, **Matthew J. Soroky** (both Certified Specialists in Franchise & Distribution Law) and **Taylor M. Vernon** are reviewing franchise disclosure documents (FDD) for clients looking to purchase a waffle franchise, a corn-dog franchise, and a senior relocation franchise. In separate matters, Barry and Matt are preparing FDDs for a pizza chain and a martial arts business.

Sue M. Bendavid worked with a client subjected to a U.S. Department of Labor (DoL) audit. The DoL appreciated our client's professionalism and cooperation under Sue's guidance, and agreed to resolve the matter with no added penalties. The Department also agreed to limit the exposure to a two year period, thus saving our client significant sums in potential damages.

John B. Marshall worked to close a very complex commercial loan involving both borrowers and lenders located in the United States and Australia. Despite the 17 hour time difference, the challenges of meeting the criteria of multiple parties, and satisfying all compliance requirements, John succeeded in meeting the deadline to close the deal.

Sue M. Bendavid provided counsel for a client conducting layoffs, in which Sue developed factual assessments to determine which employees should be let go, and strategized steps to reduce our client's exposure to potential claims. In separate but similar matters, Sue often counsels clients on how best to terminate underperforming employees.

Sue M. Bendavid and **Tal Burnovski Yeyni** presented educational webinars for a number of business groups and partner companies, as well as for our own employer clients, and the employees of our clients. Topics include a mid-year update on California employment law (including minimum wage increases, recent court rulings, and privacy issues affecting employees); *Hiring Best Practices for Non-HR Managers*; *Fundamentals of the Family Medical Leave Act*; sex harassment, discrimination and bullying prevention training (as required for employees); and much more.

We are growing! We are pleased to announce the arrival of three new attorneys: **Thomas M. Morrow** joins our Intellectual Property Practice Group as Senior Counsel. Tom handles IP litigation, and earned his JD, MBA, and BS in chemical engineering – all from the University of Houston. **Joshua S. Stein** and **Ian "Aspen" Ferber-Paxson** both joined our Employment Practice Group as Associates. Josh graduated *magna cum laude* from the Dale E. Fowler School of Law at Chapman University. Aspen earned his JD with First Honors and other recognitions in multiple concentrations at Loyola Law School.

Publications & Media Mentions

Los Angeles Business Journal
Fast Food Act Causing Indigestion
Barry Kurtz quoted

Los Angeles Daily Journal
Revisiting the tangled rules for modification of revocable trusts
Mark J. Phillips, co-author

Franchise Times Magazine
Legal Eagles 2023
Tal Grinblat selected

The Franchise Law Journal (published by the American Bar Association)
Maxims on Franchise Law
David Gurnick, author

San Fernando Valley Business Journal
2023 Leaders of Influence
Barry Kurtz recognized

San Antonio Lawyer (published by the San Antonio Bar Association)
The Trial of Sam Sheppard - Part 3: The Appeal
Mark J. Phillips, co-author

The Registry - SoCal Real Estate News
Lewitt Hackman Renews 23,404 SQFT Office Lease in Encino
Keith T. Zimmet, quoted

San Antonio Lawyer (published by the San Antonio Bar Association)
The Trial of Sam Sheppard - Part 2: The Trial
Mark J. Phillips, co-author

Los Angeles Daily Journal
Viking River PAGA ruling has no clear destination for employers
Tal Burnovski Yeyni, author

Valley Lawyer (published by the San Fernando Valley Bar Association)
Survivorship Rules: Simultaneous Death and their Unequal Application
Mark Phillips, author

San Fernando Valley Business Journal
Labor & Employment Roundtable January 2023
Sue M. Bendavid, participant

The Franchise Lawyer
Starstruck and Star-Stricken: When Celebrities Buy and Sell Franchises
Matthew J. Soroky, author