



LEWITT | HACKMAN
SHAPIRO | MARSHALL | HARLAN
A LAW CORPORATION

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NOVEMBER 2023

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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We are pleased to announce that once again, Lewitt Hackman has been named one of the **Best Law Firms in America**, as announced in the *Fourteenth Edition of Best Law Firms* for 2024. Previously, nine of our attorneys were recognized as *Best Lawyers in America*, and *One to Watch*. Attorneys named are: **Sue M. Bendavid**, **Michael Hackman**, **Barry Kurtz**, **Kira S. Masteller**, **Vanessa Soto Nellis**, **Andrew L. Shapiro**, and **Lynn Soodik**. Special recognitions went to **Jessica W. Rosen** selected to the *Ones to Watch* list, and to **Jeffrey A. Kobulnick** named a *Lawyer of the Year: Trademark Law*.

Steven L. Feldman successfully settled a matter with the California Environmental Protection Agency. The resolution involved lengthy negotiations, but Steve obtained a waiver of statutory penalties, as well as interest and attorneys' fees. Our client saved nearly three quarters of a million dollars and can resolve the issue with payments over several years.

Vanessa Soto Nellis (Certified Family Law Specialist) negotiated a resolution of all issues in a divorce that had been pending for over a year. Vanessa's negotiations allowed the parties to come to a compromise, precluding the need for extensive discovery and litigation. The cost-effective solution also saved the parties time and stress, and allowed the couple to put the divorce behind them.

Barry Kurtz and **Matthew J. Soroky** (both Certified Franchise & Distribution Law Specialist) counseled an experienced franchisor on transitioning to an exemption-based franchise sales model, allowing the company to avoid renewal registration delays and maintain franchise sales without interruption.

Tal Burnovski Yeyni convinced opposing counsel to drop a class action lawsuit and proceed with individual claims instead, resulting in a much more favorable financial resolution for our client company.

Keith T. Zimmet represented our clients through a very complex acquisition of 75 separate rental properties on 75 separate parcels. The complex transaction also required negotiated agreements with other equity owners and property management companies. As the acquisition was being funded in part with Wall Street funded securitized debt financing, Keith also negotiated all loan documents on behalf of our clients. To facilitate the transaction, multiple Delaware special purpose entities were created to hold our clients' interests. **Alex J. Hemmelgarn** (Certified Specialist in Tax Law) provided guidance as the transaction was part of an Internal Revenue Code Section 1031 Exchange.

Kevin E. Rex and **John B. Marshall** closed a multi-million dollar property sale to a local government entity. Our client was a family-owned business that operated the company for over six decades. Kevin and John also set up an exchange escrow for the transaction, which deferred substantial taxes on the sale of the property.

Sue M. Bendavid and **Zane S. Averbach** resolved a contentious wage and hour claim brought before the California Labor Commissioner. The plaintiffs alleged underpayment of wages and unpaid overtime, and demanded millions in compensation and penalties. Sue and Zane resolved the issue for less than three percent of the plaintiffs' demand.

Andrew L. Shapiro of our Personal Injury Practice Group represented a client in his 70s, who was struck by a vehicle and suffered serious injuries to both legs below the knees. Our client was standing in a parking lot – the driver of the vehicle accidentally hit the gas instead of the brakes, pinning our client against another car. The driver's policy limits for the accident only covered a low six figure amount, but Andy was able to settle the matter for our client for several million.

Mark J. Phillips (Certified Specialist in Estate Planning, Probate, and Trust Law) and **Alex J. Hemmelgarn** closed the large and complicated probate of a young man who died intestate, leaving his parents as his heirs. Mark and Alex worked to resolve several issues, including the sale of the decedent's residence and the filing of income tax returns for several years before his death. Most individuals with significant assets avoid the expense, delay and public disclosure that are the hallmarks of a formal probate by establishing a trust into which they fund their assets, but occasionally they do not, as in this case.

Sue M. Bendavid defended a client faced with a discrimination charge before the Equal Employment Opportunity Commission. After showing the EEOC mediator the legitimate business reasons for the employee's layoff, the mediator was able to resolve the case and the claimant dropped her claim without any payment by the client.

Nicholas Kanter prevailed on a motion for attorneys' fees in a highly contested dispute. After obtaining a judgment for our client following a successful motion for terminating sanctions, Nick moved the court for an order awarding our client all fees incurred in the lawsuit. Our client was awarded nearly all of the fees incurred in the lawsuit.

Tal Burnovski Yeyni worked with a client to close a Department of Labor audit with no fines imposed. Tal initially provided counsel for correcting wage and hour practices, and then advised our client in how best to communicate with the DOL's auditor to satisfy any further concerns.

Matthew J. Soroky negotiated a favorable settlement for a client who obtained an arbitration award against an insurance company. The settlement saved the client additional expense of a court hearing to have the award confirmed.

Steven L. Feldman successfully negotiated terms and conditions of a very complex long term lease with opposing counsel, and the real estate brokers, for a client's new corporate offices.

Heidy A. Nurinda and **Paul C. Bauducco** represented an accountant client in an action for indemnity and contribution against a trust lawyer. Heidy and Paul successfully opposed a demurrer to our client's complaint – the Court overruled the demurrer and preserved our client's claims.

Tal Grinblat and **Heidy A. Nurinda** prepared a Request for Reexamination of a registration blocking our client's trademark registration for toys. The blocking registration was owned by an individual in China. After researching the use of the mark in the U.S., Tal and Heidy discovered the mark was likely procured by fraud. Using the brand new Reexamination Procedure of the Trademark Modernization Act, Tal and Heidy filed a brief to invalidate the potentially fraudulent registration. The Trademark Office found Tal and Heidy established a prima facie case in support of invalidation, and instituted the Reexamination proceeding. The registrant in China now has three months to prove use of the mark in each of the categories of toys listed in his registration in the U.S. to avoid cancellation.

Steven L. Feldman successfully resolved an Americans With Disabilities Act claim filed in Federal Court regarding access to our client's retail store. The resolution proved favorable to our client, and prevented the unnecessary expenses of a prolonged litigation.

Barry Kurtz and **Taylor M. Vernon** represented a client in the purchase of an existing franchised health care business. In a separate matter, Barry and Taylor are reviewing FDDs for a client purchasing a health care franchise.

Nicholas Kanter prevailed in an unlawful detainer trial while representing a residential landlord against a tenant who refused to pay rent or move out of the property. Following a court trial Nick obtained a judgment, allowing our client to recover possession of his home.

Sue M. Bendavid represented a client faced with a California Employment Development Department audit for alleged misclassification of workers as independent contractors. The EDD closed its audit in favor of the client, and issued a no change letter.

Barry Kurtz and **Katherine L. Wallman** (both Certified Specialists in Franchise & Distribution Law) prepared Franchise Disclosure Documents (FDDs) for a client in the children's day camp and summer camp industry. In separate matters, Barry and Kate are preparing FDDs for three iconic brands in the restaurant business.

Our family is growing! Congratulations to **Caitlyn Dillon** and her husband Justin, on the birth of their daughter, Avery. All members of the Dillon family, including big brother Liam, are thriving.

Publications & Media Mentions

Los Angeles Daily Journal

Appellate ruling limits appearances by trustees and executors in pro per
Mark J. Phillips, co-author

The Mercury News

Bullying? Coercing? Hung juries are rare, so what happened last week in a San Jose courtroom?
Sue M. Bendavid, quoted

Professionals in Human Resources

California Employment Law 2023: Legislative Updates
Tal Burnovski Yeyni, author

Franchise Lawyer (published by the American Bar Association)

Remembering the Late David Gurnick, Franchise Law Specialist, Professor, and Much, Much More
Tal Grinblat, co-author

San Fernando Valley Business Journal

The Valley 200 (most influential)
Barry Kurtz, **Sue M. Bendavid** named

Los Angeles Daily Journal

Legal implications of the Supreme Court's ruling in Adolph v. Uber
Sue M. Bendavid and **Tal Burnovski Yeyni**, authors

Los Angeles Business Journal

Fast Food Act Causing Indigestion
Barry Kurtz, quoted

Los Angeles Daily Journal

Employers subject to stricter religious accommodation standard under Title VII
Tal Burnovski Yeyni, author

Los Angeles Daily Journal

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

The Franchise Law Journal (published by the American Bar Association)

Maxims on Franchise Law
David Gurnick, author

San Antonio Lawyer

The Trial of Sam Sheppard - Part 3 The Appeal
Mark J. Phillips, co-author

Super Lawyers Magazine

2023 Southern California Rising Stars
Alex J. Hemmelgarn, **Jessica W. Rosen**, **Matthew J. Soroky**, and **Taylor M. Vernon** selected