



LEWITT | HACKMAN
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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

Paul C. Bauducco and **Kira S. Masteller** successfully filed a petition to enforce an agreement related to our clients' parents' wills written in 1965, when one of the parents passed away. Because of the petition, the clients were able to mediate. Kira helped the parties agree to a substantial settlement from the parents' estate without having to resort to trial.

Zane S. Averbach and **Alex J. Hemmelgarn** (Certified Specialist in Tax Law) negotiated a settlement with the Office of Chief Counsel of Internal Revenue Service after filing a petition in the United States Tax Court opposing the improper assessment and attempted collection of tax from our client, thereby saving the client from paying a substantial tax liability.

Tal Grinblat registered a trademark for a clothing client that was blocked by four earlier filed applications owned by different parties. To get the registration through, Tal successfully opposed several of the cited applications before the Trademark Trial and Appeal Board on the ground that the client was the senior user of the mark and negotiated a co-existence with one. This strategy permitted the mark to proceed to registration.

Steven L. Feldman, **Jessica W. Rosen**, **Thomas M. Morrow**, and **Heidy A. Nurinda** prevailed on a motion to stay arbitration for our client facing pending litigation. The court found the cases were sufficiently similar. The success of the motion to stay allows for our client to focus on one matter, rather than fight claims in two forums, thus saving thousands in unnecessary expenses.

Sue M. Bendavid defended a client facing a Private Attorney General Act (PAGA) claim alleging wage and hour violations. As trial approached, the plaintiff agreed to seek a dismissal of his PAGA claim altogether, and to resolve his individual claims for nuisance value.

Barry Kurtz and **Katherine L. Wallman** (both Certified Specialists in Franchise and Distribution Law) are reviewing a license agreement for a restaurant client opening a unit in a casino. In separate matters, Barry, Kate, and **Caitlyn Dillon** are preparing Franchise Disclosure Documents for clients in the camping, decluttering, retail and restaurant industries.

Heidy A. Nurinda and **Jessica W. Rosen** prevailed at trial on a breach of contract matter. Because of Heidy and Jessica's extensive preparation and persuasive arguments, the court found in favor of our client, awarding monetary damages, interests, attorneys' fees, and costs.

Andrew L. Shapiro represented a client whose car stalled on a freeway when a pickup truck driver made an improper lane change, rear-ending the disabled vehicle. Our client suffered head injuries that at first seemed relatively minor, only requiring stitches. Several weeks after the accident our client underwent serious personality changes that affected her personal and professional relationships. She moved away from her home, lost her job, and was essentially living with various friends for short periods of time. Having not received further medical care for two years, Andy was able to show our client suffered a traumatic brain injury, and recovered a high six-figure settlement.

Tal Grinblat and **Heidy A. Nurinda** overcame a refusal by the Trademark Examiner that a client's mark for furniture and related products was descriptive. Tal and Heidy presented evidence that the mark as a whole was an incongruity and therefore registrable. The Examiner agreed and permitted the application to proceed.

Sue M. Bendavid provided counsel to several clients forced to conduct reductions in force. Sue helped our clients analyze their respective workforces to assess potential litigation, and then prepared separation agreements to secure releases of employee claims.

Barry Kurtz and **Taylor M. Vernon** are reviewing franchise renewal documents for long-time franchisees in the environmental services business. In separate but similar matters, Barry and Taylor are providing counsel regarding Franchise Disclosure Documents for clients in the physical fitness, non-medical health care, and food distribution industries.

Kira S. Masteller represented a Co-Trustee sued by a sibling for breach of fiduciary duties in settlement proceedings. The proceedings and resolution circumvented a drawn out litigation, thus saving the Trust and the parties significant time and legal expenses. In a separate matter, **Kira and Kyla A. Parrino** are working with a client whose children are seeking to remove her as Trustee of both her, and her deceased spouse's Trusts.

Matthew J. Soroky, Barry Kurtz (both Certified Specialists in Franchise and Distribution Law), and **Peter L. Ente** represent a client in establishing treatment and recovery services for those suffering addiction and substance abuse. Matt and Barry are working on the licensing aspects. Barry and Peter are strategizing corporate structure.

Jeffrey A. Kobulnick, Barry Kurtz and **Heidi A. Nurinda** are working with an insurance business franchisor in handling a matter with a recalcitrant franchisee. In a separate but similar matter, Barry, **Thomas M. Morrow** and **Matthew J. Soroky** are providing counsel to a service business franchisor to resolve issues with a problem franchisee.

Vanessa Soto Nellis (Certified Family Law Specialist) and Paralegal **Joni Davis** organized and managed a three-day family law settlement program with the San Fernando Valley Bar Association, at the Van Nuys Courthouse. Volunteer attorneys, forensic accountants, and child custody evaluators worked with litigants and counsel in mediating trial-ready cases. Nearly 90 percent of the mediated cases settled, freeing up valuable trial time at local courthouses.

Kira S. Masteller worked with a divorcing couple in preparing separate property trusts wherein each party will own 50 percent of numerous real properties, leaving such assets to their children pursuant to the dissolution agreement. Property tax planning was an important component of this plan and the timing of property transfers prior to the divorce being finalized.

Jeffrey A. Kobulnick moderated a program for The Executives, supporting Los Angeles Jewish Health, entitled Retracing My Steps featuring Holocaust survivor Eva Pearlman.

Sue M. Bendavid and **Tal Burnovski Yeyni** presented our annual seminar and webinar regarding laws affecting California employers. Of particular import are laws regarding mandatory workplace violence plans, compliance changes to "Ban the Box," and new requirements regarding leaves of absence, among others. Sue also trained several clients' supervisory and staff level employees on the rules prohibiting workplace harassment, discrimination, retaliation, bullying, and transgender rights. This training is legally required in California.

Congratulations to **Matthew J. Soroky** and his wife Karen, who welcomed their first child last month. Matt, Karen and baby Adam are all thriving, and we are pleased to add a new addition to the Lewitt Hackman family.

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: Legislative Update
Tal Burnovski Yeyni, author

Best Lawyers Magazine

Best Lawyers in America 2024
Sue M. Bendavid, Michael Hackman, Barry Kurtz, Kira S. Masteller, Vanessa Soto Nellis, Andrew L. Shapiro, Lynn Soodik selected; **Jessica W. Rosen** named *Ones to Watch*, and **Jeffrey A. Kobulnick** named *Lawyer of the Year: Trademark Law*

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

Los Angeles Daily Journal

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

Valley Lawyer (San Fernando Valley Bar Association magazine)

Proposition 65: Primer and Alert
Stephen T. Holzer and **Steven L. Feldman**, authors

Los Angeles Business Journal

Fast Food Act Causing Indigestion
Barry Kurtz quoted

Los Angeles Daily Journal

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

Reagan Foundation

Visiting Auschwitz: A Personal Story of Loss and Reflection
Jeffrey A. Kobulnick interviewed