

***Los Angeles Court Rules in Favor of Nobu and Music Festival Organizers in Premises Liability Case: Yukevich Cavanaugh Wins Multiple Motions for Summary Judgment!***

**Yukevich | Cavanaugh** won summary judgment for its clients Nobu Hospitality, Evolution Music, and Music Getaways in a case involving a jazz festival held at a Nobu franchisee hotel in Cabo San Lucas, Mexico. The plaintiff in the case allegedly slipped and fell near the pool area of the franchisee hotel after an aqua-aerobics class. Plaintiff sued Nobu and the music festival organizers for her injuries on joint venture, joint employer, and apparent/ostensible agency theories of liability. Responding to numerous amendments of the pleadings and evidence by Plaintiffs' experienced and aggressive lawyers, the **Yukevich | Cavanaugh** defense team won three separate motions for summary judgment establishing that Nobu and the music festival organizers did not owe a duty of care based on their lack of actual control over the premises where Plaintiff was injured. In addition to holding that Nobu and the music festival organizers did not own or control the franchisee hotel, Los Angeles Superior Court Judge the Honorable **Michael E. Whitaker** adopted Nobu's threshold legal argument that it is not enough to show that a franchisor has allowed the franchisee to use its trade name or good will, or that the franchisor's name appears on the materials used by the franchisee.

The **Yukevich | Cavanaugh** team included *Steve Smelser, Jacquelyn Sugapong, and Hassan Elrakabawy.*