

**COTCHETT, PITRE & McCARTHY, LLP**  
**ATTORNEYS AT LAW**

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**COTCHETT PITRE & McCARTHY LLP**



**ADVOCATES FOR JUSTICE**

*“The attorneys ... displayed truly exceptional levels of skill and tenacity.”*

*- Judge of the U.S. District Court*

**ANTITRUST CASES & TEAM**

## OUR FIRM

Cotchett, Pitre & McCarthy, LLP (“CPM”) based on the San Francisco Peninsula for over 45 years, engages exclusively in litigation and trials. The firm’s dedication to prosecuting or defending socially just actions has earned it a national reputation. With offices in the San Francisco Bay Area, Los Angeles Bay Area, and New York, the core of the firm is its people and their dedication to principles of law, their work ethic, and their commitment to justice.

Most clients are referred by other lawyers, who know of the firm’s abilities and reputation in the legal community. We are trial lawyers dedicated to achieving justice.



### Blowing the whistle on BP helps California recoup funds *State of California ex rel. et al. v BP America*



JUSTIN T. BERGER Cotchett, Pitre & McCarthy LLP PAULA L. BLIZZARD AND KENNETH J. SUGARMAN California Department of Justice NIAL P. MCCARTHY Cotchett, Pitre & McCarthy LLP

From 2003 to 2012, BP allegedly overcharged the California Department of General Services for natural gas — violating the terms of three successive contracts in the process. This cost was then passed on to universities, cities, agencies and others that

Government agencies often lack the manpower and expertise of the corporations they have to deal with, he said, leaving them vulnerable to manipulation. Schroen was a BP trader in Texas whose job it was to put together under an overall contract

guy,” said Justin T. Berger, also a principal with the firm.

In 2012, Schroen sued BP under the California False Claims Act. The act allows a private citizen, even one outside the state, to sue for fraud committed against the government. The California Department of Justice got involved in 2014, with Kenneth J. Sugarman and Paula L. Blizard representing the state.

McCarthy and Berger compared the fraud to some of the manipulation that happened during the financial, in which unsuspecting investors were sold mortgage-backed securities too complex to understand. In this case, the industry jargon involved MMBtus, units of natural gas. While the profit on each unit seemed small, the actual profit on each deal often ended up being multiple times what BP was permitted to keep under the contract.

The company abruptly settled for \$102 million right before a month-long trial was about to begin. Schroen was instrumental in undermining BP’s case, the attorneys said.

“I think the turning point in the case came when we were able to show even using BP’s own data, the state was massively overcharged,” Berger said.

Schroen himself got a significant payout as part of the settlement, a provision that is written into the Act in order to encourage people to take the risk to come forward. But Berger noted he lost his chosen career and endured years of litigation.



**“The Cotchett firm has few peers that equal their ability in litigation. Their commitment to the cause of justice and their ethical standards stand apart. They are people who give back to the community and give lawyers a good name.”**

*—Judge of the Superior Court (Retired)*

## OUR PRACTICE AREAS

CPM represents both plaintiffs and defendants in a wide range of practice areas, including:

- Antitrust & Global Competition
- Aviation / Helicopter Accidents
- Commercial Litigation
- Consumer Protection Class Actions
- Defective Products / Mass Torts
- Elder Abuse
- Employment Law
- Environmental Law
- False Claims / Whistleblower Law
- Municipal & Public Entity Litigation
- Privacy & Intellectual Property
- Personal Injury & Wrongful Death
- Pharmaceutical Litigation
- Securities / Financial Fraud
- Shareholder Rights / Corporate Governance

**“This court has had the distinct pleasure of having the parties in this case represented by some of the finest attorneys not only in this state but in the country.” Cotchett, Pitre & McCarthy has “well reputed experience in [consumer fraud] litigation.”**

*—Judge of the U.S. District Court*

## OUR OFFICES



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## CPM'S EXPERIENCE IN ANTITRUST CASES

### Lead or Co-Lead Experience

CPM represents plaintiffs in the following antitrust class actions in which it serves or served as lead or co-lead counsel and has secured noteworthy results for American consumers and businesses:

#### *In re Automotive Parts Antitrust Litigation*

##### **United States District Court, Eastern District of Michigan**

CPM serves as co-lead counsel for end-payor plaintiffs against scores of automotive parts suppliers for allegedly engaging in massive conspiracies to fix the prices, rig the bids, and allocate the markets of various automotive parts sold to automobile manufacturers, next sold to automobile dealerships, and then sold to consumers and businesses. *To date, CPM and its co-lead counsel have recovered over \$1.2 billion for the classes.*

#### *In re Broiler Chicken Antitrust Litigation*

##### **United States District Court, Northern District of Illinois**

CPM serves as co-lead counsel for commercial and institutional indirect purchasers against broiler chicken suppliers for allegedly engaging in a conspiracy to fix, raise, maintain, and stabilize the prices of broiler chickens by coordinating output and limiting production with the intended and expected result of increasing the prices of broiler chickens. *To date, CPM and its co-lead counsel have recovered over \$104 million for the classes.*

#### *In re Capacitors Antitrust Litigation*

##### **United States District Court, Northern District of California**

CPM serves as lead counsel for indirect purchasers of electrolytic and film capacitors against capacitor suppliers for allegedly engaging in two massive and separate conspiracies to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of electrolytic and film capacitors, respectively. *CPM recovered \$80.4 million for the classes.*

#### *In re Domestic Airline Travel Antitrust Litigation*

##### **United States District Court, District of Columbia**

CPM and Adam J. Zapala serve as co-lead counsel for purchasers of air transportation against American Airlines, Inc., Delta Airlines, Inc., Southwest Airlines Co., and United Airlines, Inc. for allegedly engaging in a conspiracy to restrict capacity and thereby raise prices for air passenger transportation services. *To date, CPM and its co-lead counsel have recovered \$60 million for the class.*

#### *In re Freight Forwarders Antitrust Litigation*

##### **United States District Court, Eastern District of New York**

CPM served as co-lead counsel for purchasers of freight forwarding services from freight forwarders who allegedly engaged in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of freight forwarding services. *CPM and its co-lead counsel recovered approximately \$450 million for the class.*

***In re Lithium Batteries Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as co-lead counsel for indirect purchasers of lithium-ion batteries against lithium-ion battery suppliers for allegedly engaging in a conspiracy to fix the prices of these products. ***CPM and its co-lead counsel recovered \$113 million for the classes.***

***In re Transpacific Passenger Air Transportation Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as co-lead counsel for purchasers of air transportation against 13 Asian and Oceanic airlines for allegedly engaging in a conspiracy to fix the prices of discount fares and fuel surcharges on long-haul passenger flights for transpacific routes. ***CPM and its co-lead counsel recovered over \$148 million for the classes.***

***In re Cattle and Beef Antitrust Litigation***

**United States District Court, District of Minnesota**

CPM serves as co-lead counsel for direct purchaser plaintiffs against beef processing and packing defendants for allegedly engaging in a conspiracy to constrain beef supplies in the United States, thereby artificially inflating domestic beef prices. ***To date, CPM and its co-lead counsel have recovered \$52.5 million for the class.***

***In re Resistors Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served lead counsel for indirect purchasers of linear resistors against resistor suppliers for allegedly engaging in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of linear resistors. ***CPM recovered \$33.4 million for the classes.***

CPM also represents plaintiffs in the following antitrust class actions in which it serves as lead or co-lead counsel but where CPM has not yet tried or settled the actions:

***In re Deere & Company Repair Services Antitrust Litigation***

**United States District Court, Northern District of Illinois**

CPM serves as co-lead counsel for a class of persons and entities who purchased repair services for Deere agricultural equipment with onboard computers known as electronic control units for monopolizing and restraining the market for repair and maintenance services of such equipment.

***In re Geisinger Health and Evangelical Community Hospital Healthcare Workers Antitrust Litigation***

**United States District Court, Middle District of Pennsylvania**

CPM serves as co-lead counsel for a class of healthcare workers against their employers, two health systems, for allegedly entering a no-poach agreement to reduce competition for healthcare workers and, as a result, suppressing job mobility and wages below the levels that would have prevailed but for the agreement. The court denied defendants' motion to dismiss in November 2021.

***In re Qualcomm Antitrust Litigation***

**United States District Court, Northern District of California**

CPM serves as co-lead counsel for classes of consumers and businesses against Qualcomm for monopolizing and engaging in other anticompetitive conduct in the market for cellular devices and modem chips.

***In re Telescopes Antitrust Litigation***

**United States District Court, Northern District of California**

CPM serves as co-leads counsel for classes of consumers and businesses against telescope manufacturers for allegedly engaging in massive conspiracies to fix the prices and allocate the markets of telescopes and telescope products.

**Executive Committee or Steering Committee Experience**

CPM represents plaintiffs in the following antitrust class actions in which it serves as a member of the Executive Committee or Steering Committee:

***In re Cathode Ray Tube (CRT) Antitrust Litigation***

**United States District Court, Northern District of California**

CPM serves as a member of the Executive Committee and represents direct purchasers against CRT manufacturers for allegedly engaging in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of CRTs. ***To date, counsel for direct purchaser plaintiffs has recovered over \$212 million for the class.***

***In re Crop Inputs Antitrust Litigation***

**United States District Court, Eastern District of Missouri**

CPM serves as a member of the Executive Committee and represents a class of consumers and businesses that purchased crop inputs against crop input suppliers that allegedly established a secretive distribution process that keeps crop inputs prices inflated at supracompetitive levels and, in furtherance of their conspiracy, denies farmers access to relevant market information.

***In re Copaxone Antitrust Litigation***

**United States District Court, District of New Jersey**

CPM serves as a member of an informal Executive Committee and represents a class of third-party payors against Teva for willfully maintaining its monopoly power in the market for prescription drug Copaxone using restrictive or exclusionary conduct.

***In re Farm-Raised Salmon and Salmon Products Litigation***

**United States District Court, Southern District of Florida**

CPM serves as a member of an informal Executive Committee and represents a class of indirect salmon buyers against Norwegian salmon-farming companies for allegedly coordinating price hikes of salmon and salmon products. Counsel for indirect purchaser plaintiffs recovered \$33 million for the classes.

***In re Generic Pharmaceuticals Pricing Antitrust Litigation***

**United States District Court, Eastern District of Pennsylvania**

CPM and Adam J. Zapala serve as a member of the Steering Committee member and represent end-payor plaintiffs of generic drugs against dozens of generic drug manufacturers for alleged engaging in conspiracies to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of dozens of generic drugs.

***In re Google Play Consumer Antitrust Litigation***

CPM serves on the Steering Committee member and represents consumers of Android apps and in-app purchases against Google for allegedly and unlawfully maintaining a monopoly in the Android application distribution market and in-app aftermarket. The court certified a class of over 21 million consumers in November 2022.

***In re Parking Heaters Antitrust Litigation***

**United States District Court, Eastern District of New York**

CPM served as liaison counsel for indirect purchaser plaintiffs of air and coolant parking heaters in the aftermarket for commercial vehicles against parking heater manufacturers for allegedly engaging in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of parking heaters. ***Counsel for indirect purchaser plaintiffs recovered \$7.7 million for the classes.***

**Illustrative Examples of Pre-2012 Leadership Experience**

***In re Dynamic Random Access Memory (DRAM) Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as chair of the Discovery Committee and represented direct purchasers against DRAM manufacturers for allegedly engaging in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of ODDs. ***Counsel for direct purchaser plaintiffs recovered over \$325 million for the class.***

***In re International Air Transportation Surcharge Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as co-lead counsel for purchasers of purchasers of air transportation against Virgin Atlantic Airways Ltd. and British Airways for allegedly engaging in a conspiracy to impose fuel surcharges on long-haul passenger flights for transatlantic routes. ***CPM and its co-lead counsel recovered over \$204 million for the class.***

***In re Optical Disk Drive (ODD) Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as a member of the Executive Committee and represented direct purchasers against ODD manufacturers for allegedly engaging in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of ODDs. ***Counsel for direct purchaser plaintiffs recovered \$74.75 million for the class.***



***In re Static Random Access Memory (SRAM) Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as lead counsel for direct purchasers of SRAM against SRAM manufacturers for allegedly engaging in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of SRAM chips. ***CPM recovered \$77 million for the class.***

***In re Webkinz Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as lead counsel for small business retailers who purchased Webkinz plush line toy from Ganz Inc. (“Ganz”) on the condition that they also order a minimum \$1,000 of products from Ganz’s “core line” of products. ***CPM recovered \$2.5 million for the class.***

***Kopies, Inc., et al. v. Eastman Kodak Co.***

**United States District Court, Northern District of California**

CPM served as co-lead counsel for copier service firms against manufacturers of parts for alleged illegal tying of products and services. ***CPM and its co-lead counsel recovered \$45 million for the plaintiffs.***

***Natural Gas Antitrust Cases I, II, III, & IV***

**San Diego Superior Court**

CPM represented 11 public entities and others for the alleged reporting of false information by non-core natural gas retailers to published price indices to manipulate the natural gas market during the California energy crisis. ***CPM successfully prosecuted and recovered \$124 million in settlements.***

***In re Methionine Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as co-lead counsel in this antitrust class action against several methionine manufacturers for allegedly engaging in a conspiracy to fix the prices and allocate the markets of methionine. ***CPM recovered \$107 million for the class.***

***In re Citric Acid Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as co-lead counsel in an antitrust class action against the five largest sellers of citric acid in the United States, Archer Daniels Midland Co., Hoffmann-La Roche Inc., Jungbunzlauer, Inc., Haarmann & Reimer Corp., and Cerestar Bioproducts B.V., for alleged conspiring to fix the prices of citric acid at artificially high levels. The court certified the class in October 1996. ***CPM and its co-lead counsel recovered approximately \$86.5 million for the class.***

***In re Sodium Gluconate Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as lead counsel in an antitrust class action against manufacturers of sodium gluconate, an industrial cleaning agent, for allegedly fixing the prices thereof. The court certified the class. ***CPM recovered \$4,801,600 for the class***

**OUR PEOPLE**  
**ANTITRUST ATTORNEYS AT CPM**

**JOSEPH W. COTCHETT**



**Education**

- Hastings College of Law at the University of California, J.D.
- California State Polytechnic University, B.S. in Engineering
- Named an Outstanding Graduate

**Admissions**

- California
- District of Columbia
- New York

As stated by the National Law Journal, **Joseph W. Cotchett** is considered by plaintiffs and defense attorneys alike to be one of the foremost trial lawyers in the country. He has been named one of the 100 most influential lawyers in the nation for the past 20 years. In recent years, he has been in the Top 3 for best attorneys in Northern California. Since 2017, he has been named by Super Lawyers to be the number ONE lawyer in Northern California as ranked by his peers. The Daily Journal has named him to be one of the Top 100 in California since its inception. In 2019 he was named Consumer Attorney of the Year for his 20-year fight against lead paint manufacturers for poisoning California’s most vulnerable children and communities. The California Labor Federation honored Cotchett with its “Top Slugger for Workers” award in 2019, recognizing his decades of fighting for the underdog. In 2020, Cotchett was named one of the Top 100 in California and Top 25 Plaintiff Lawyers.

As reported in the San Francisco / Los Angeles Daily Journal, he is “considered one of the best trial strategists in the state” who built a career out of representing the underdog against powerful interests. He is a fearless litigator and once tried two cases at the same time (one in the morning and one in the afternoon) and won them both in San Diego Superior Court in 1984. His clients range from corporate giants to groups like Consumers Union – but the issue must be correct for Cotchett. The San Francisco Chronicle rated him as one of the best in California, saying, “**The Burlingame attorney has had a star career that’s not only talked about in legal circles but has made headlines around the country. Known mostly as a plaintiffs’ lawyer, many of his cases are filed on behalf of fraud victims, and have a widows-and-orphan flavor to them.**”

Cotchett consistently has been named one of the most influential lawyers in California, and has been named by the legal press as one of the **top 10 trial attorneys in California** and has been listed in every edition of Best Lawyers in America since its inception.

During his 50-plus year legal career, he has tried more than 100 cases to verdict, and settled hundreds more, winning numerous jury verdicts, ranging from multi-million dollar fraud, antitrust and securities jury verdicts to several defense verdicts in complex civil cases. He successfully negotiated a multi-million-dollar settlement in a qui tam suit on behalf of the University of California and hundreds of millions of dollars in antitrust, securities, major fraud cases, and mass torts.

In recent years, Cotchett and his firm have taken on the Trump Administration, representing the City of Richmond in the Sanctuary City litigation and filed separate suits representing the City of San Jose in challenging the Trump Administrators position on the DACA issues (Deferred Action for Childhood Arrivals) pending in the U.S. District Court in Northern California.

In the 1980s, Cotchett won mammoth judgments and settlements for investors in white-collar fraud cases, with jury verdicts of more than \$200 million arising out of the collapse of the Technical Equities Corp. in San Jose. He is known nationally as the lead trial lawyer for 23,000 plaintiffs in the Lincoln Savings & Loan Association/American Continental Corp. case in 1990 involving Charles Keating, his lawyers, accountants and bankers in Tucson, Arizona. He won one of the then **largest jury verdicts** in US history, \$3.3 billion. He obtained nearly \$400 million in settlements from lawyers, accountants and other professionals caught up in the scandal of the fraud.

He has represented both the National Football League and teams since the early 1980s in various legal actions. As counsel for E. & J. Gallo Winery, he won a celebrated defense jury verdict in a trade dress infringement case involving wine labels and bottles produced by Gallo. The firm regularly represents Gallo in numerous matters.

In recent years, Cotchett has taken on major corporate entities and Wall Street for financial fraud. He and the firm are involved in litigation resulting from nearly every major corporate scandal including Enron, WorldCom, Global Crossing, Homestore.com, Qwest, Montana Power Company, Lehman, Bank of America, Goldman Sachs and numerous others on behalf of private investors and public pensions. The firm has represented the California Public Employees' Retirement System, California State Teachers' Retirement System, and the University of California Board of Regents, along with numerous political subdivisions of the state, such as counties, cities and districts.

In 2000, he served as trial counsel for Consumers Union, successfully defending the watchdog consumer group in a product disparagement and defamation suit in Federal Court in Los Angeles. Isuzu Motors of Japan had sued Consumers Union for disparagement to the 1995-96 Trooper, claiming millions in damages. Following an eight-week trial, a jury ruled in favor of Consumers Union. Trial Lawyers for Public Justice honored Cotchett as "Trial Lawyer of the Year" in 2000 in honor of his "outstanding contribution to the public interest" through his work for Consumers Union. Also, in 2000, Consumer Attorneys of California gave Cotchett its "Presidential Award of Merit." In 2004, he was the lead trial counsel in a product defamation case against Consumers Union. The jury ruled for Consumer Union in what was considered a major victory for a free press and the First Amendment.

Cotchett is involved in extensive pro bono work. In one such case, he brought a lawsuit against the United States Navy on behalf of 8,600 Amerasian children in the Philippines who were left in villages after the closing of the Subic Bay Naval Base. The case ended in a settlement giving direct U.S. aid

to the children fathered by U.S. servicemen and a television documentary on the subject. He regularly takes on pro bono causes including environmental and public policy matters and the firm represents and advises several Native American groups.

Cotchett successfully represented the Chief Justice of the California Supreme Court and the individual judges along with the Judicial Council, in litigation brought against them by the New York Stock Exchange and the National Association of Securities Dealers. The two Wall Street forces had filed suit against the Judicial Council challenging the State of California on establishing guidelines for arbitrators who hear complaints from investors in the state.

Cotchett received his B.S. in Engineering from California State Polytechnic University, San Luis Obispo in June 1960, being named an Outstanding Graduate, and his J.D. from Hastings College of Law at the University of California in June 1964. In June 2002, Cotchett received an **Honorary Doctor of Laws** from Cal Poly and The California State University Board of Trustees. In May 2006, Cotchett received an **Honorary Doctor of Letters** from Notre Dame de Namur University. In May 2011, Cotchett received an **Honorary Doctor of Letters** from the University of San Francisco. In each case, he was the graduation speaker honored by the Universities.

Following college, he served as an officer in the U.S. Army Intelligence Corps, followed by years as a Special Forces paratrooper and JAG Corps officer, in the active reserves. Before transferring to the JAG, he made 12 airborne operations. He retired in 1991 with the rank of Colonel with various citations including the distinguished **Legion of Merit**. He is a member of many veteran and airborne associations having served on active duty 1960-1961. From 2001 to 2005, he served on the board of the Army War College Foundation in Carlisle, Pennsylvania which supports the prestigious Army War College at Carlisle Barracks, the graduate school for the senior commanders of all branches of the service, including officers from foreign allies.

He has been an active member of national, state and local bar associations, including the California, New York and District of Columbia bars.

He is a **Fellow** of the American College of Trial Lawyers, a **Fellow** of The International Society of Barristers and an **Advocate** in the American Board of Trial Advocates. He is a **Fellow** and former board member of The International Academy of Trial Lawyers. A former **Master** of the American Inns of Court, he serves on various advisory boards for professional organizations. He served on the Advisory Board of the Witkin Institute, the mission of which is to further B.E. Witkin's commitment to advancing the understanding of California law and improving the administration of justice.

He is the author of numerous articles and a contributing author to numerous magazines. His books include *California Products Liability Actions*, Matthew Bender; *California Courtroom Evidence*, LexisNexis; *Federal Courtroom Evidence*, LexisNexis; *Persuasive Opening Statements and Closing Arguments*, California Continuing Education of the Bar (1988); *The Ethics Gap*, Parker & Son Publications (1991); *California Courtroom Evidence Foundations*, Parker Publications (1993); and numerous law review articles. He is also a prolific author of op-ed pieces and articles on public policy, environmental issues and public integrity. He co-authored and published the book *The Coast Time Forgot*, a historic guide to the San Mateo County coast and his book *The People vs. Greed*, Pattons Press (2017) is available on Amazon.

Cotchett formally served on various Federal Judicial Advisory Committees, that reviewed federal judicial nominations in California for President Obama and Clinton. The committee was authorized by California's two Democratic senators, Dianne Feinstein and Barbara Boxer. Cotchett served as Chair of the Boxer Committee for the Central District of California (Los Angeles). Cotchett served on a Judicial Advisory Committee to Governor Jerry Brown on state judicial appointments in Northern California during his tenure.

Cotchett has lectured at numerous law schools including Harvard Law School, the University of Southern California, Georgetown Law Center, Stanford, Boalt, and his alma mater U.C. Hastings. His subjects include complex cases, evidence, trial practice and professional ethics. He also is a keynote public speaker and lecturer on contemporary subjects of law.

He has been honored by the State Bar of California by serving on the Board of Governors from 1972 to 1975. Cotchett served on the California Judicial Council from 1976 to 1980; the Board of Directors, Hastings College of Law, University of California for twelve years; California Commission on Judicial Performance (1978-1982); California Commission on the Future of the Courts; the California Select Committee on Judicial Retirement, the California Blue Ribbon Commission on Children in Foster Care, the latter three appointed by the Chief Justice of California.

His civic work includes past memberships on the board of directors of the San Mateo County Heart Association; San Mateo Boys & Girls Club (Past President); Peninsula Association of Retarded Children and Adults; Bay Meadows Foundation; Disability Rights Advocates; and numerous Bay Area organizations. He formerly served as a member of the board and President of Public Citizen in Washington, D.C. and served on the board of Earth Justice.

In 1996, he was awarded the Anti-Defamation League's Distinguished Jurisprudence Award. The award was established to recognize individuals in the legal community who have exhibited humanitarian concerns, and whose everyday actions exemplify the principals on which the Anti-Defamation League was founded.

Cotchett was inducted by the State Bar of California to the California **Litigation Trial Lawyers Hall of Fame**. This award is given to professionals who have excelled as trial lawyers and whose careers exemplify the highest values and professional attainment.

The University of California Hastings College of Law opened the **Cotchett Center for Advocacy** recognizing Cotchett as one of its outstanding graduates. Chief Justice Ronald M. George of the California Supreme Court and Associate Justice Anthony Kennedy of the U.S. Supreme Court honored Cotchett as speakers at the Founder's Day dedication of the center. In 2006, Notre Dame de Namur University in Belmont, California dedicated the **Joseph W. Cotchett Business Lab** for students.

In March of 2000, Cotchett was named to the California State Parks Commission by Governor Gray Davis. The commission set forth general policies for the guidance of the Parks Department in the administration, protection and development of the 260 state parks in the system. He served as **Chairperson** in 2002-2003.

In 2003, Cotchett was honored by **Disability Rights Advocates** for his nearly 40 years of civil rights work. At a San Francisco dinner attended by lawyers, judges and community leaders, Cotchett was described as follows:

*Joe Cotchett has been a champion for justice since his college days. As an engineering student in North Carolina, Joe challenged segregation by drinking from segregated water fountains and riding in the back of buses. Later, as a student at Cal Poly, in 1958 Joe successfully established the first integrated fraternity, which prompted the other fraternities on campus to follow suit.*

*Joe's legal career has involved representing the underdog and doing extensive pro bono work. His civil rights commitment has been leveraged over and over by his financial support of legal fellowships. He has given a 'kick-start' to the public interest careers of the new law graduates at Trial Lawyers for Public Justice, Public Citizen, Southern Poverty Law Center and Disability Rights Advocates. Through these fellowships, Joe has helped to ensure social change through law. Joe guided DRA as a board and litigation committee member from its infancy years into the defender of disability rights it has become today.*

Following a distinguished history of community and civic involvement, Cotchett endowed a \$7 million fund to support science and mathematics teacher education at California State Polytechnic University to serve inner city and rural minority children. To honor Cotchett, the university renamed its landmark Clock Tower building the "**Cotchett Education Building**." The gift supports science and mathematics teacher education initiatives at Cal Poly through the University Center of Teacher Education and the College of Science and Mathematics.

Cotchett was inducted into the prestigious **American Trial Lawyer Hall of Fame** for his work nationwide in civil rights, and litigation on behalf of the under-privileged in our society in 2011.

Cotchett received the **Distinguished Service Award** in 2011 from the Judicial Council of California for years of service to the Judiciary and Courts in California. In 2011, Cotchett was named the **Antitrust Lawyer of the Year** by the Golden State Antitrust Institute as an outstanding lawyer over the years in the field of antitrust competition. In 2011, he was honored by the California League of Conservation Voters with the **Environmental Leadership Award** for his years of work on behalf of the environmental committee and the work on state parks. In 2011, Cotchett was given the **Lifetime Achievement Award** by the California Consumer Watchdog of California for his years of service in representing consumers across the country.

In 2019, Green Foothills awarded Cotchett with its **Nature's Inspiration Award**" for his lifetime of servitude for justice and dedication to preserving the San Mateo coastline."

Cotchett and his family members are active in numerous Bay Area charitable organizations involving animals, children, women and minorities. They established **The Joseph W. Cotchett Foundation** that aids individuals and groups in need of assistance and especially animal rights and environmental groups.

## **ADAM J. ZAPALA**



### **Education**

- University of California, Hastings College of the Law, J.D.
- Stanford University, B.A.

### **Admissions**

- California

**Adam Zapala** is a Partner at Cotchett, Pitre & McCarthy, LLP, where he focuses on complex litigation, including antitrust, employment & civil rights, privacy & cybersecurity, *qui tam*/false claims, consumer protection and class actions generally.

Mr. Zapala has served as lead counsel, or in other court-appointed leadership positions, in some of the largest and most complex litigation matters in the United States, and has obtained outstanding results. Mr. Zapala is known for his deep understanding of antitrust law and class action practice and procedure. Additionally, Mr. Zapala regularly represents executives and employees in complex employment litigation, securing substantial settlements and judgments for his clients.

Mr. Zapala has been recognized by courts, his peers, and by various publications for his outstanding work. Since 2014, Mr. Zapala has been recognized as a *Super Lawyer Rising Star*, or *Super Lawyer*. In 2019, the American Antitrust Institute (“AAI”) recognized the work of Mr. Zapala and his colleagues in the groundbreaking *Auto Parts* antitrust litigation, where CPM represents the end-payor plaintiffs and have recovered over \$1 billion in settlements on their behalf. In 2020, the *Daily Journal* recognized Mr. Zapala as one of the top antitrust lawyers in California. His work on cases has regularly appeared in *Top Settlements & Verdicts*.

Mr. Zapala received a B.A. from Stanford University and his J.D. from University of California, Hastings College of the Law. Prior to CPM, Mr. Zapala worked at Davis, Cowell & Bowe, LLP. (now known as McCracken, Stemerma & Holsberry, LLP.) in San Francisco, where he represented labor unions, Taft-Hartley Pension and Health & Welfare funds, employees and consumers in complex litigation, arbitration and NLRB proceedings. While at DCB, Mr. Zapala served as trial counsel in countless arbitrations on behalf of labor unions and employee benefit funds. He has argued cases before the California First, Third, and Sixth District Court of Appeal.

Mr. Zapala currently serves as the President of the Legal Aid Society of San Mateo County. He also previously served as a staff attorney with Bay Area Legal Aid, where he focused on representing indigent clients in a wide variety of civil litigation matters. While there, Mr. Zapala developed expertise in Medi-Cal, Medicare and other publicly-financed healthcare systems. While in law school, Mr. Zapala also worked for the public interest law firms of Public Advocates, Inc. and Public Justice, focusing on civil rights class action litigation. Mr. Zapala also has legislative and policy experience, working on Capitol Hill as a policy aide for Senator Ron Wyden (D- Oregon) in Washington D.C.

Mr. Zapala has deep ties to the Bay Area. He grew up in San Jose, California and attended Bellarmine College Preparatory. While at Stanford University, Mr. Zapala became a four-time Academic All-American, a four-time All-American, and Captain of the Stanford Men's Soccer Team. In 2001, he was drafted in the Major League Soccer ("MLS") Super Draft by the Dallas Burn (now FC Dallas).



## **ELIZABETH T. CASTILLO**



### **Education**

- University of California, Hastings College of the Law, J.D.
- Boston University, B.A., Economics and Political Science
- Università Commerciale Luigi Bocconi, Milan, Italy

### **Admissions**

- California

### **Languages**

- Vietnamese (conversational)

**Elizabeth Castillo** is a partner at Cotchett, Pitre & McCarthy, LLP. Her practice focuses on complex litigation and, specifically, antitrust class actions. Ms. Castillo’s successes include representing End-Payor Plaintiffs in *In re Automotive Parts Antitrust Litigation (Auto Parts)*, a multidistrict litigation pending in the Eastern District of Michigan. *Auto Parts* concerns the bid-rigging, price-fixing, and market allocation of scores of automotive parts and has become the largest indirect purchaser class action in terms of settlement value in history. In 2022, the *Daily Journal* named Ms. Castillo to its 2022 Top Antitrust Lawyers list, a recognition of the leading 25 antitrust attorneys in California. She also received the American Antitrust Institute’s Outstanding Antitrust Litigation Achievement by a Young Lawyer Award in 2016 and Outstanding Antitrust Litigation Achievement in Private Law Award in 2019 for her work on *Auto Parts*.

Since she began practicing law in 2011, Ms. Castillo has represented clients in both federal and state courts and at all stages of litigation, including discovery, trial, and appeals. While she is involved in all aspects of the cases she litigates, she places emphasis on her discovery and settlement strategy work. She occasionally litigates other types of cases. For example, she was part of a trial team that obtained a multimillion-dollar economic loss jury verdict for a former Major League Baseball pitcher in 2018. Ms. Castillo has been named to Super Lawyers for 2022 and a Super Lawyers Northern California Rising Star from 2015 to 2021.

Beyond her workload, Ms. Castillo co-founded the Diversity, Equity & Inclusion Committee at her firm and currently serves as an Advisor to the Executive Committee of the Antitrust and Unfair Competition Law Section of the California Lawyers Association. She previously served in numerous leadership positions in several bar organizations, including the American Bar Association and Asian American Bar Association of the Greater Bay Area. Ms. Castillo believes in “paying it forward” and has handled a variety of pro bono cases throughout her career, including civil rights, family law, and disability matters.

Ms. Castillo earned her J.D. from the University of California, Hastings College of the Law (UC Hastings) in 2011. At UC Hastings, she was a Super Regional Semifinalist in the Jessup International Law Moot Court Competition. She also received Honorable Mentions for both Best Brief and Best Oral Argument in Moot Court. Additionally, she served as a Judicial Extern to the Honorable A. James Robertson II in the Superior County of California, County of San Francisco, and as a Teaching Assistant for both Legal Writing & Research and Moot Court. Throughout law school, she mentored underserved high school students on preparing for college.

Ms. Castillo received her B.A. in Economics and Political Science, with a concentration in Public Policy, from Boston University (BU) in 2008. At BU, she interned at an international law firm and business advocacy organization in London and Sydney, respectively, during her third year. Ms. Castillo has national and state legislative experience. She interned for then-U.S. Representative Neil Abercrombie (D-Hawaii, 1991-2010; Governor of Hawaii, 2010-2014) in Washington, D.C. and State Representative Scott Nishimoto (D-Hawaii, 2003-present) in Honolulu.

Ms. Castillo immigrated from Vietnam to the United States in 1990 and is the first lawyer in her extended family. She grew up in Honolulu but has been laying roots in the Bay Area since 2008. She lives in San Mateo with her husband and daughter. She enjoys good food, great deals, meticulous planning, and outdoor adventures.

## NANCI E. NISHIMURA



### **Education**

- Columbus School of Law at The Catholic University in Washington, D.C.
- University of Southern California
- Waseda University in Japan

### **Admissions**

- California

**Nanci E. Nishimura** is a partner at CPM and leads the firm's complex individual actions focusing on antitrust and business litigation. Nishimura attended the University of Southern California, where she earned both undergraduate and graduate degrees, Waseda University in Japan, and the Columbus School of Law at The Catholic University in Washington, D.C. Nishimura worked at the U.S. Overseas Private Investment Corporation and clerked at the U.S. International Trade Commission in D.C. She joined CPM from Los Angeles, after working as co-counsel in antitrust and securities class actions. Nishimura has represented plaintiffs in some of the largest and most complex individual actions coordinated in State and Federal Courts across the country .

Nishimura has led complex cases alleging antitrust and other claims on behalf of dozens of cities, counties, and other public entities and non-profit organizations in California, New York and Texas, including the City of Los Angeles, Los Angeles World Airports, The Regents of the University of California, California State University Board of Trustees, East Bay Municipal Utilities District, Sacramento Suburban Water District, City and County of San Francisco, County of San Diego, County of San Mateo, and Houston, Texas. As detailed on CPM's website at [www.cpmlegal.com](http://www.cpmlegal.com), and as summarized below, Nishimura and CPM have demonstrated a knowledge of the law, the skill and ability to work with others, and the resources and commitment to pursue justice for her clients. Below are representative cases:

***In re: LIBOR-based Financial Instruments Antitrust Litigation***, Case No. 11-md-2262-NRB (MDL 2262) (S.D.N.Y.). Nishimura is the lead attorney in actions filed on behalf of 15 California public entities and consolidated for pretrial purposes in multidistrict litigation. Plaintiffs include San Diego Association of Governments, The Regents of the University of California, East Bay Municipal Utility District, City of Richmond, City of Riverside, County of Sacramento, County of San Mateo, and Houston, Texas. The complaints allege that more than a dozen of the world's major financial institutions that reported their daily interbank borrowing rates to the British Bankers Association (BBA) which are used to set the global benchmark interest rates known as the London Interbank Offered Rate (LIBOR), manipulated their reported

borrowing rates to benefit their profits and credit ratings, to the detriment of transactions worldwide with interest rates set to LIBOR from consumer loans to complex municipal investment instruments.

***Ambac Bond Insurance Litigation***, San Francisco County Superior Court Case No. CJC-08-004555 (JCCP 4555) (CEK). Nishimura was the lead attorney in individual actions filed on behalf of 26 California public entities. Plaintiffs include The Regents of the University of California, City of Los Angeles, Los Angeles World Airports, City and County of San Francisco, East Bay Municipal Utility District, and two non-profits, including the Jewish Community Center of San Francisco. The complaints alleged antitrust violations by seven defendant bond insurance companies for maintaining an unfair dual credit rating system with three defendant credit rating agencies requiring municipalities to pay exorbitant premiums to insure bonds issued to raise money for public projects. The case recently settled for more than \$18 million.

***In re: Municipal Derivatives Antitrust Litigation***, Case No. 1:08-cv-02516-VM-GWG (MDL 1950) (S.D.N.Y). Nishimura was the lead attorney in individual actions filed on behalf of 20 California public entities and consolidated for pretrial purposes in multidistrict litigation. Plaintiffs include City of Los Angeles, City of Stockton, East Bay Municipal Utility District, Sacramento Municipal Utility District, County of San Diego, County of San Mateo, and Contra Costa County. The complaints allege antitrust violations by more than three dozen financial institutions, insurance companies, and brokers to rig the bidding process for municipal derivative transactions used by public entities to invest unused bond proceeds. Plaintiffs recovered more than \$10 million.

***People of the State of California v. Atlantic Richfield, et al.***, No. 1-00-CV-788657 (Santa Clara Superior Court), CPM represented the state of California along with 10 California cities and counties in a public nuisance action. After over a decade of litigation, the case went to trial and resulted in a judgment of \$1.15 billion in 2013.

***Anthony P. Miele III v. Franklin Resources, Inc.***, 3:15-cv-00199-LB (N.D. Cal.). Nishimura was one of the lead lawyers in a major case defending Franklin Resources, Inc., one of the world's largest mutual funds. The complaint alleged that in 1974, when plaintiff's father died, he held 4,000 Franklin shares in trust for plaintiff who was then three years old. After years of contentious litigation involving discovery and depositions across the country, CPM's client prevailed on summary judgment, which was affirmed by the 9<sup>th</sup> Circuit. The petition for certiorari was denied by the U.S. Supreme Court.

## **KARIN B. SWOPE**



### **Education**

- Columbia Law School, J.D., Harlan Fiske Stone Scholar
- Amherst College, B.A., *magna cum laude*, Phi Beta Kappa

### **Admissions**

- Washington

**Karin Swope** is a Partner with Cotchett, Pitre & McCarthy, LLP's where she represents clients in antitrust and consumer protection litigation, securities litigation, privacy litigation and intellectual property counseling. Karin has represented clients for over 25 years in proceedings in state and federal courts across the country, as well as before the USPTO. She helped consumers fight against unfair and deceptive practices, and has helped to change consumer protection law in the process. She has been appointed as co-lead counsel and to steering committees in antitrust and consumer cases, including cases against Apple and Intelius.

She has served as an attorney for the lead counsel on the Nurse Wage Antitrust litigation, the Cedar Shake Antitrust Litigation, and the Hard Disk Drive Antitrust Litigation. She has represented companies and sovereign nations in protecting their intellectual property rights. She has protected the retirement funds of employees whose employers had breached their fiduciary duties in violation of ERISA, in cases against Washington Mutual, State Street Bank and Regions Financial Corporation, among others. She has also represented shareholders in complex securities litigation, including disputes involving breach of fiduciary duty.

Since 2008, Karin has served as an Adjunct Professor at Seattle University School of law, where she has taught the Intellectual Property Art Law Clinic. She has previously served as President of Executive Committee of the Intellectual Property Section of the Washington State Bar Association and is a member of the Western Washington Federal Bar Association Local Rules Committee. She has presented and/or co-chaired numerous CLE's on topics ranging from E-Discovery practices to Intellectual Property. Following her graduation from Columbia Law School, Karin served as a law clerk to the Honorable John C. Coughenour in the U.S. District Court for the Western District of Washington, and as a law clerk to the Honorable Robert E. Cowen of the U.S. Court of Appeals, Third Circuit.

## ALEXANDER E. BARNETT



### **Education**

- St. John’s University School of Law, J.D.
- University of Pennsylvania, B.A.

### **Admissions**

- New York
- District of Columbia

**Alex Barnett** is a Partner at Cotchett, Pitre & McCarthy where he specializes in class actions involving: antitrust and securities law violations; consumer fraud; negligent product design and manufacture; wage and overtime disputes; civil rights violations; and violation of environmental laws. He also handles mass tort litigation.

Mr. Barnett currently serves as the President of the Committee To Support Antitrust Laws (“COSAL”), which was established in 1986 to promote and support the enactment, preservation and enforcement of a strong body of antitrust laws in the United States. It is the only organization in Washington, D.C. that is dedicated to lobbying for strong antitrust laws and effective private enforcement.

Mr. Barnett served as panel speaker at the 1<sup>st</sup> Annual National Class Actions Symposium (Osgoode Hall Law School, Toronto, Canada) and at the 3<sup>rd</sup> Annual Class Actions for Non-Class-Action Lawyers – Growing Your Business by Understanding the Basics and Recognizing Opportunities (hosted by Los Angeles County Bar Association).

In addition, Mr. Barnett has been named to the Lawdragon list of 500 Leading Plaintiff Financial Lawyers and, along with CPM partners Adam Zapala and Elizabeth Castillo, received the American Antitrust Institute’s Outstanding Antitrust Litigation Achievement in Private Law Practice Award.

Mr. Barnett and his wife are active participants in the multiracial family community, and have served as speakers for and supporters of various organizations (including LovingDay.org) dedicated to fostering understanding and acceptance of multiracial families. They also were the founders of a stuffed animal company and through that entity donated thousands of newly-made stuffed animals to children in New York City’s Homes for the Homeless program.

Mr. Barnett was on the Advisory Council of Rescuing Leftover Cuisine, a national 501(c)3 non-profit food rescue organization, operating in 16 cities and headquartered in New York City, that provides solutions to prevent excess wholesome cuisine from being wasted. RLC provides services such as food waste consulting, excess food delivery, co-branding services, and tax credit assistance.

In addition, Mr. Barnett has served as a volunteer for the following organizations: K.E.E.N. (Kids Enjoy Exercise Now), an organization dedicated to developing the athletic skills of disabled children; New York Cares, an organization that provides volunteer assistance to charities and non-profit organizations throughout the Metropolitan New York area; D.C. Cares, an organization that provides volunteer assistance to charities and non-profit organizations throughout the Washington, D.C. area; and A Broader Image, Inc., a Washington, D.C. non-profit organization that provides Internet access and other technology-based educational tools to children in inner-city schools.

Mr. Barnett is a graduate of the University of Pennsylvania and St. John's University School of Law.

## **JAMES G.B. DALLAL**



### **Education**

- University of California, Hastings College of the Law, J.D. cum laude
- Rice University, B.A.
- Université Panthéon-Assas (Paris 2). LL.M. in European Law avec mention bien

### **Admissions**

- California

James G.B. Dallal joined Cotchett, Pitre & McCarthy, LLP in 2020 as a Senior Associate on the Antitrust & Global Competition Team and handles a broad range of antitrust and other complex matters. As an attorney his primary focus has been serving lead class counsel on behalf of plaintiffs challenging nationwide and international cartels in major antitrust class action lawsuits.

Prior to joining the firm Mr. Dallal was an associate attorney at a boutique antitrust litigation firm in San Francisco and before that worked for a boutique plaintiffs' firm in Los Angeles that assisted borrowers in their suits against the financial industry. Before law school he served as an IP Litigation paralegal at the Houston office of a major international firm.

Mr. Dallal earned a B.A. in History from Rice University, a J.D. cum laude from the University of California, Hastings College of the Law, and an LL.M. in European Law avec mention bien from Université Panthéon-Assas (Paris 2). He enjoys international travel and languages and has certified proficiency in French and Brazilian Portuguese.



## **JACLYN VERDUCCI**



### **Education**

- Boston University, Master of Criminal Justice
- Saint Mary's College of California, ABA Certified Paralegal Certificate
- Saint Mary's College of California, B.A.

**Jaclyn Verducci** is the Case Administrator for Antitrust cases at Cotchett, Pitre & McCarthy, where she has attained several years of high-level litigation experience in various federal, state, and appellate courts. Jaclyn primarily focuses on class actions, antitrust, and business frauds. She has been instrumental in the prosecution of countless complex multi-district antitrust cases, which have recovered more than a billion dollars for cartel victims.

Jaclyn has widespread experience in all aspects of litigation including motion practice, discovery, and trial. She has managed countless complex electronic document review projects involving numerous party productions, high volumes of foreign language documents, as well as maintaining databases of all sizes. She has gained valuable insight and experience with predictive coding and other review analytics tools to increase the success of multifaceted document reviews.

Jaclyn has an extensive grasp on litigation against foreign entities, including service through Hague Convention and other means, arranging overseas depositions, and translation of foreign language documents for admissibility in Court.

Prior to joining CPM, Jaclyn interned as a Victim Advocate Assistant in the San Mateo County District Attorney's office. She received her Masters in Criminal Justice at Boston University, where she graduated with honors. While at Boston University Jaclyn was extensively trained on state-of-the-art digital forensic tools of the industry, and gained invaluable knowledge pertaining to ESI rules of digital evidence collection and processing, while maintaining the integrity of digital information for admissibility in Court.

Prior to receiving her Masters, Jaclyn graduated from Saint Mary's College of California where she received her B.A. in Political Science with a Minor in English, as well as an ABA Certified Paralegal Certificate. While at SMC, Jaclyn served on the student counsel as Senior Class President, Junior Class Senator, and as the Chair of the Clubs and Organizations Board, as well as several other Student Life and Leadership positions.