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DAILY JOURNAL

ONE HUNDRED LEADING ATTORNEYS

LAWYERS

IN CALIFORNIA

TOP
100

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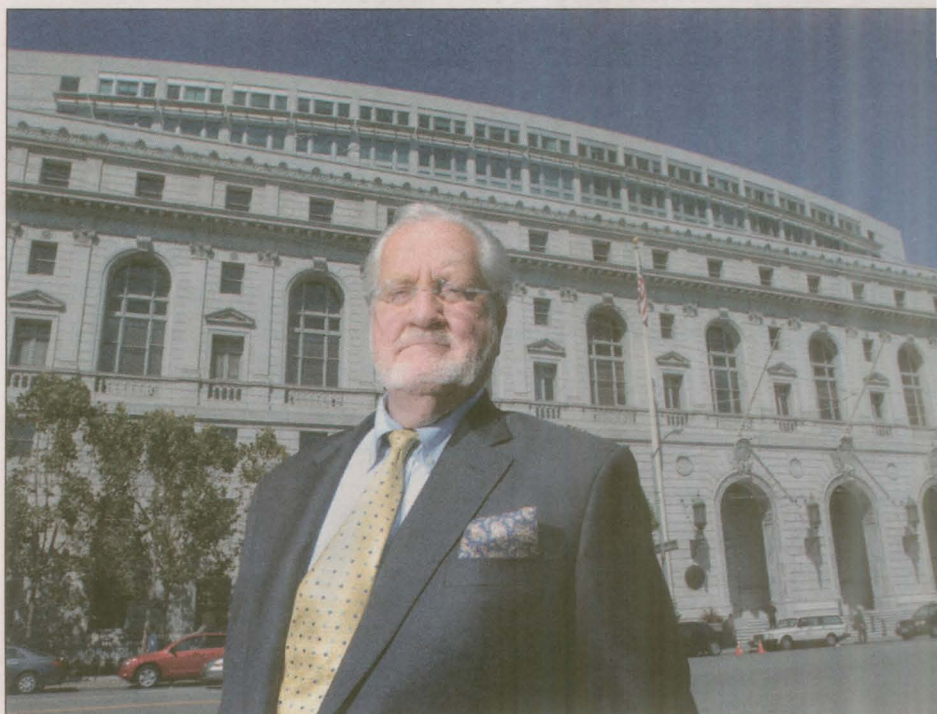
LAWYERS IN CALIFORNIA

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JOSEPH W. COTCHETT



S. TODD ROGERS / DAILY JOURNAL

Cotchett, 72, was inducted into the National Trial Lawyers Hall of Fame in April. But he's not slowing down. He has a host of pending cases against Wall Street financial institutions, the U.S. Environmental Protection Agency, several major airlines, and oil company BP PLC.

"I haven't learned the pronunciation of the word, 'No,'" Cotchett said.

His biggest triumph this year came in \$76.8 million in settlements with several memory chip manufacturers in a complaint accusing them of fixing the price of Static Random Access Memory chips. He was one of several attorneys representing direct purchasers, companies that bought the memory chips from the manufacturers.

Cotchett, Pitre & McCarthy served as lead counsel for plaintiffs in the case, which settled just before jury selection was about to start in the Northern District of California.

Cotchett also took on Arnold Schwarzenegger when the outgoing governor tried to balance the budget by selling state buildings for \$1.2 billion. He won an injunction from the 6th District Court of Appeal blocking the transaction last December. *Epstein v. Schwarzenegger*, 10-505436 (S.F. Sup. Ct., filed Nov. 16, 2010).

While bemoaning the economy, corporate greed and trends such as electronic discovery that he says are making litigation "excessively expensive," Cotchett said he is not discouraged.

"You've just got to go out and fight the good fight," he said. Still, Cotchett does not win them all.

He defended Switzerland-based Actelion Ltd. against allegations that it interfered with the development of a drug by a competing company. A San Mateo County jury awarded the competitor \$547 million in compensatory damages, plus \$30 million in punitive damages. Cotchett said he is gearing up to file post-trial motions. *Asahi Kasei Pharma Corp. v. Actelion Ltd.*, 478533 (San Mateo Co. Sup. Ct., filed Nov. 19, 2008).

Cotchett, who chairs the advisory committee that helps Sen. Barbara Boxer pick judges in the Central District of California, said he has no plans to retire.

"God gave me the ability to move and think quickly," Cotchett said. "The day I stop handling cases is when they shovel me into the ground."

JOSEPH W. COTCHETT

Cotchett, Pitre & McCarthy LLP
Burlingame

Practice type: Litigation

Specialties: Antitrust, securities fraud

— Craig Anderson

TOP 100

Mccarthy invested much of his time and energy this year to a lawsuit alleging Quest Diagnostics, and other medical lab testing providers, routinely overbilled the state government for their services over the last decade. His efforts have so far paid off with more than \$300 million in settlement funds — the most significant whistle-blower litigation in California in recent memory.

In the suit, McCarthy represented the owner of a smaller rival company, who noticed irregularities in Quest's billing and risked his reputation by calling them out.

Under California law, state health programs are entitled to receive the lowest price for lab services. But the suit alleged the rule was constantly flouted by lab service providers to the tune of hundreds of millions of dollars.

Filed in Sacramento County Superior Court, the litigation started 5 ½ years ago, required over 30 depositions and millions of pages in discovery. To calculate damages, his firm worked with an expert who developed a software modeling program and examined laboratory costs by geographic region over a 10-year period.

The suit drew the interest of the California Attorney General, who joined McCarthy to announce settlements of \$241 million with Quest in May plus additional settlement of \$49.5 million in August with Labcorp Inc. engaged in similar violations in late August — the largest false claims act recovery in California history, according to McCarthy.

McCarthy is also the incoming president of the Consumer Attorneys of California.

"The courts' funding has been decimated in the last two years," he said. "I want to increase that funding so more people have access to justice."

— Gabe Friedman

NIALL P. MCCARTHY



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Cotchett, Pitre & McCarthy, LLP
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Practice type: Litigation
Specialty: False Claims Act,
elder abuse