

# ADVOCATES FOR JUSTICE

San Francisco Bay Area • Los Angeles Area • New York



## CPM LEADS LITIGATION ON BEHALF OF RESIDENTS IN SAN FRANCISCO SHIPYARDS' RADIATION AND NUCLEAR WASTE ISSUES EFFECTING RESIDENTS

San Francisco Shipyard nuclear contamination lawsuits continue to move forward, and lawyers at **CPM** are determined to help residents taking on the discovery of radiation waste from WWII. The San Francisco Shipyard development lawsuits against Tetra Tech, Lennar, FivePoint Holdings, and certain executives of the companies—focus on the fraudulent and botched clean-up of the former Navy site. There are major claims of injury to both residents and police officers who trained in the area. Several major banks ceased lending on new mortgages, and new reports of radiation present have been revealed. False claims cases were announced, for which the DOJ has filed suit. The case is handled by **Joe Cotchett, Anne Marie Murphy, Julie Fieber, Duffy Magilligan** and a team of paralegals led by **Jennifer Bloch**.

## CPM Continues Investigation in Lawsuit for Victims' Families Against Boeing 737 Max on Doomed Ethiopian Airlines Crash



**CPM**, along with the Clifford Law Offices of Chicago, represent more than **50 families** who lost loved ones in the March 2019 crash of Ethiopian Airlines Flight ET 302. The Boeing 737 MAX 8 aircraft crashed due to an erroneous sensor reading that triggered a defective flight control system causing the plane to nosedive to the ground. The **CPM** team – **Joe Cotchett, Frank Pitre, Alison Cordova, and John Thyken** and Co-Counsel are on the Plaintiffs Executive Committee steering the consolidated litigation of more than 100 separately-filed actions. The recently filed Master Complaint prepared by **CPM** seeks punitive damages against Boeing and two of its suppliers involved in the manufacture of the sensors and software design. Congressional testimony and whistleblower reports reveal that Boeing senior leadership was made aware of safety concerns with the flight control system and the assembly of the MAX airplanes prior to the crash, but ignored these warnings.

## School Districts File Suit Against Juul for Damage to Children



In December, **CPM** filed suit against Juul Labs, Inc.—the world's largest e-cigarette manufacturer, on behalf of multiple school districts (including Cabrillo Unified School District, Jefferson Union High School District, and San Mateo-Foster City School District) plus the San Mateo County Board of Education and the San Mateo County Superintendent of Schools. The complaint alleges that Juul's marketing strategy, advertising, and product design, target preteens and teenagers, resulting in increased use of electronic cigarettes (e-cigarettes) by youth in San Mateo County. According to recent studies, more than 20 percent of teens use e-cigarettes, even used by middle school students is sharply rising. Local school districts are shouldering the cost of anti-vaping education, teacher training, counseling, and vape detection devices. The case is being handled by **Joe Cotchett, Anne Marie Murphy** and team.

## CPM TEAM HELPS TO SECURE PLAN FOR \$13.5 BILLION TO FUND CLAIMS FOR FIRE VICTIMS IN NORTHERN CALIFORNIA



For over two years, **CPM** lawyers and paralegals have worked together with a core group of law firms to prosecute claims for damages on behalf of fire victims against PG&E arising out of twenty-two separate wildfires that ravaged Northern California in 2017 and 2018. The **CPM** team used their skill and experience from other mass tort cases to secure leadership positions and guide the collaborative work of law firms across the state to manage and pursue the litigation in state court, federal court and the bankruptcy court. These efforts have recently led to competing plans for compensating fire victims from Equity investors in PG&E and Bondholders in the amount of \$13.5 Billion. The plans both require approval of the Governor's Office and the CPUC as a prerequisite to being submitted to individual claimants for a vote. The good news is that confirmation of the plan must be completed by the Bankruptcy Court before June 30, 2020, in order for PG&E to take advantage of AB 1054. **CPM** is committed to securing the quickest path for fair resolution of claims by Fire Victims in Bankruptcy Court. The case is being handled by **Frank Pitre, Alison Cordova, John Thyken** and team.



Year of the Rat  
2020

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# MAJOR RECENT UPDATES AND FILINGS

## CPM in Partnership with the Animal Legal Defense Fund Sues Fraudulent Puppy Traffickers Who Sold Sick Dogs on Craigslist



CPM has partnered with Animal Legal Defense Fund to sue a ring of online puppy traffickers for defrauding customers and harming dogs in violation of California law. The December, 2019 lawsuit was filed in the name of nine families and CARU SPCA against the Kenney Family of Phelan, California, for damages and injunctive relief to stop the rampant practice of selling underage and sick goldendoodle and labradoodle puppies through online advertisements. The pups are sold under false pretenses, with fraudulent shot records. Sold as adorable red and brown puppies, they were actually dyed, horrifying their new owners after they were taken home and bathed. Worst of all, the puppies were deathly ill, suffering from girardia and parvo. Many innocent puppies died, after requiring costly medical care. The emotional and financial toll on the families has been heartbreaking. CPM aims to put a stop to this senseless animal abuse. The case is being handled by **Gary Praglin, Neda Lotfi** and **Caitlin McDonough** out of our Santa Monica office.



### CPM Represents the City of Los Angeles in Wireless Companies Overcharging



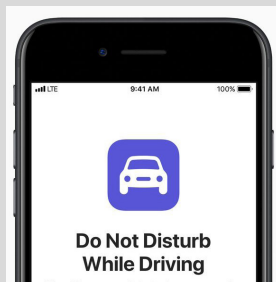
CPM represents the **City of Los Angeles** in a false claims action against AT&T, Verizon, and Sprint, alleging the telephone companies overcharged the City for cellular services, and failed to provide contractually required discounts, reports, and optimization information. In September 2019, Judge Troy Nunley in the Eastern District of California denied defendants' motions to dismiss allowing the complaint to move forward into discovery. The case is being handled by **Niall McCarthy, Eric Buescher** and team.

### CPM Files Antitrust Case Against Farm-Raised Atlantic Salmon Producers in Maine Federal Court



CPM along with co-counsel filed an antitrust case on behalf of indirect purchasers of farm-raised Atlantic Salmon, alleging that the producers coordinated their conduct unlawfully. The European Commission on Competition is investigating the industry, and there appears to be a criminal investigation in the United States. The case is venued in the District Court of Maine. The litigation is being handled by **Adam Zapala, Joseph Alioto, Reid Gaa** and their team.

### CPM Takes on Apple Against "Do Not Disturb" feature in Patent Infringement Case



CPM is representing San Francisco-based **SMTM Technology** in a patent infringement lawsuit against Apple Inc. that was filed in California federal court in December 2018. SMTM's complaint alleges that the "Do Not Disturb" feature on Apple's mobile devices infringed on SMTM's patent for an "Off Mode" application blocking incoming calls, texts, and notifications while driving. An SMTM Managing Member invented the "Off Mode" application in 2013 and secured its patent in 2015 to help prevent distracted driving, two years before Apple introduced the "Do Not Disturb" feature with similar capabilities on the company's mobile devices. SMTM requested royalties on the patent, but Apple refused. SMTM is now seeking a ruling by the federal court that its patent is valid and enforceable, and to permanently enjoin Apple from infringing on the patent and award SMTM damages, including past royalties. "Given the massive legal resources available to Apple to search its new technology for patent infringement, and [its] knowledge .. of the apps available for download on the Android platform, it is inconceivable that Apple was not fully aware of the ["Off Mode"] app and the [SMTM] Patent at the time it adopted 'Do Not Disturb,'" said Joe Cotchett. The case is led by **Joe Cotchett, Gina Stassi** and **Kelly Weil**, together with co-counsel **Paul Reidl** of the **Law Office of Paul W. Reidl**.

### Investors File Suit Against Slack Technologies



CPM represents investors who purchased shares in the initial public offering of Slack, a San Francisco-based technology company that offers a cloud-based productivity platform, alleging that the registration statement and prospectus contained misleading information about the company's condition. The action is pending in San Mateo County Superior Court. The case is being handled by **Brian Danitz, Noorjahan Rahman** and team.

### CPM Fights For Financial Elder Abuse Victims



CPM represents investors in a real estate ponzi scheme that preyed on the retirement savings of elderly investors. The alleged scheme involved the purchase of mortgage notes with a promised return as high as 50%; however, defendants failed to make promised distributions and the plaintiffs lost everything. The action is pending in Sacramento County Superior Court. The case is being handled by **Brian Danitz, Tyson Redenbarger, Anya Thepot** and team.

# FALSE CLAIMS & CONSUMER FRAUD UPDATE

## \$28 Million Settlement in Major Whistleblower Suit Against Boston Heart Diagnostics



In a major victory for taxpayers, **CPM** reached a \$28 million settlement of whistleblower allegations with Boston Heart Diagnostics, a clinical medical laboratory that focuses on tests related to cardiovascular disease. The settlement resolves two separate lawsuits brought by CPM on behalf of whistleblowers. The first case, which was being actively litigated in the United States District Court for the District of Columbia, alleges that Boston Heart has systematically defrauded taxpayers by entering into multiple quid pro quo arrangements with doctors that order its tests. CPM's clients will receive over \$4.3 million as the "Relators' Share" of the proceeds for bringing these schemes to light. The case was handled by CPM partners **Niall McCarthy, Justin Berger, Eric Buescher** and team.

## Million Dollar Settlement in Whistleblower Suit Against San Diego Eye Doctors



**CPM** came to a million dollar settlement of whistleblower allegations against two San Diego-area physicians. The lawsuit alleges that these doctors defrauded taxpayers and private insurance companies by falsifying records. The whistleblower is a former colleague, who filed a lawsuit under the federal False Claims Act, the California False Claims Act, and the Insurance Fraud Protections Act, after the doctors failed to correct the problem or return the fraudulently received reimbursements. The \$1.4 million settlement includes payments to both the federal Department of Justice for fraudulent Medicare bills, and to the California Department of Insurance for improper bills submitted to private insurers. The case is being handled by **Justin Berger** and team.

## The Fight Against the California Department of Water Resources Heads Towards Trial - COLLAPSE OF OROVILLE DAM -



**CPM** continues its work as lead counsel, representing over fifty people and businesses against the California Department of Water Resources due to the failure of the spillway at the Oroville Dam in February 2017. The crumbling of the main spillway caused millions of dollars of damage, the evacuation of 200,000, and fear of a total collapse of the nation's tallest dam. Discovery remains ongoing, and the trial is set to commence in October of this year. The case is being handled by **Niall McCarthy, Mallory Barr** and **Eric Buescher**, along with co-counsel James Nolan and David Janes of Gardner, Janes, Nakken, Hugo & Nolan and Richard Harriman of Chico.



## Crackdown on the "Rehab Riviera" in Southern California

**CPM** is now litigating a recently unsealed whistleblower lawsuit against a ring of rehab providers in Southern California that are alleged to have ripped off insurers and preyed upon people who are most vulnerable. The multibillion-dollar rehabilitation industry has found a lucrative home in Southern California, which has been dubbed "Rehab Riviera." CPM's lawsuit alleges that Defendant Convalo Health Inc., which operated several rehab facilities, including BLVD Centers, Hollywood Detox Center, and Reflections Recovery, paid kickbacks in exchange for client referrals, and billed insurers for additional recovery services that did not meet the minimum requirements for reimbursement. The case is being handled by **Justin Berger, Joel Gordon** and team.

## Huawei Affiliate Facing Major Whistleblower by Lawsuit from CPM in San Francisco Federal Court



**CPM** attorneys **Justin Berger, Eric Buescher, Emanuel Townsend** and **Nazy Fahimi** overcame a motion to dismiss a major whistleblower lawsuit brought against Synnex Corporation, the sole distributor of Chinese-made Huawei products. CPM's lawsuit alleges that Synnex has knowingly sold millions of dollars of foreign-built computer components to federal agencies in violation of the "Buy American Act" and related "Trade Agreements Act." The lawsuit alleges that these components pose a potential security risk to federal government computer systems. The case is set for trial in **October 2020**.

## U.S. Supreme Court Hears CPM's Case on Behalf of Dreamers - CITY OF SAN JOSE -



In November, the United States Supreme Court heard oral argument in a series of cases challenging the Trump Administration's efforts to abruptly terminate the DACA program. **CPM** represents the **City of San Jose** in the case. As San Jose Mayor Sam Liccardo said: "DACA recipients compose some of our community's best and brightest young people. According to the Center for American Progress, approximately 96% of DREAMers are either enrolled in school or working. They're high-achieving students, they're innovative tech entrepreneurs, and they're teachers and nurses serving our community." The case is being handled by CPM attorneys **Justin Berger, Brian Danitz, Tamarah Prevost** and team.

## CONSUMER CASES UPDATE

### PORTER RANCH, SOUTHERN CALIFORNIA GAS BLOWOUT LAWSUIT HEADS TO TRIAL IN LOS ANGELES



**CPM** is playing a lead role representing 35,000 plaintiffs suing SoCalGas and Sempra Energy for injuries and damages arising from the October 23, 2015 blowout of the Aliso Canyon well in the Porter Ranch neighborhood of Southern California. An independent analysis by Blade Energy concluded that corrosion of the metal well

casing caused the failure of the more than 70-year old well. The blowout resulted in an uncontrolled release of natural gas and other toxic chemicals for 122 days and was the largest methane release in world history. Countless families were sickened by toxic gases, resulting in the Los Angeles County Department of Health ordering SoCalGas to pay for relocation of residents. Trial is currently set to begin June 24, 2020 in Los Angeles County Superior Court and is expected to take several months for the first group of test plaintiffs. These cases are being handled by CPM's **Frank Pitre, Gary Praglin, Kelly Weil, Joel Gordon** and team, along with co-counsel for Los Angeles.

### CPM Takes on **SANOVAS** CEO for Shareholders



**CPM** represents shareholders of Sanovas, Inc., a medical device company based in Marin County. The Complaint alleges the former CEO stole millions in company funds and that he was able to do so because the company lacked internal controls. In 2019, the Marin County Superior Court granted a temporary restraining order stopping all payments to the defendants. In November 2019, the

Court granted preliminary approval of a settlement establishing significant governance reforms, including the addition of independent directors, an audit committee, required board meetings and annual shareholder meetings to elect directors. The former CEO was indicted and is currently on trial in federal court. The case is handled by **Brian Danitz, Tyson Redenbarger, Gina Stassi** and a CPM team.

sanoVas

### CPM Pursues Claims on Behalf of Individuals Injured at Unsafe Railroad Crossing in Oakland and other Safety Violations



**CPM** recently defeated an attempt by Union Pacific Railroad Company to escape liability for its negligence in connection with pedestrian warnings at an Oakland railroad crossing. The railroad had asked the court to find that it owed no duty of care to pedestrians at the crossing. The court

rejected Union Pacific's argument, finding that CPM had assembled sufficient evidence to raise questions of fact as to the railroad's control of warnings at the crossing. The case will now proceed to trial in **August 2020**.

### Settlements Reached in Suits Over S.F.'s Leaning Millennium Tower



The parties to the Millennium Tower Litigation reached a tentative global settlement agreement. **CPM** is leading the claims on behalf of unit owners in the 419-unit luxury condominium in downtown San Francisco. CPM alleged that its clients were defrauded by the developer because the developer knew of sinking and tilting at the Tower nearly a decade before the problems were publicly disclosed, and that the neighboring construction of the Transbay Terminal caused the building to sink and tilt. The proposed settlement would resolve the claims of all of the unit owners, the HOA, and all of the potential defendants, contractors and subcontractors, and provides substantial monetary benefits to CPM's clients and to pay for the retrofit of the Tower. The case is handled by **Frank Pitre, Niall McCarthy, Eric Buescher, Julie Fieber** and team.

### CPM Continues Investigation of Fresno Water Contamination



**CPM** and two other Valley firms continue to pursue fact and expert discovery related to the degradation of residential plumbing in Northeast Fresno due to the City's failure to maintain a consistent balance between groundwater and treated surface water. Research to date suggests the City both failed to account for the oscillating chemical characteristics of the two water sources, and failed to adequately treat surface water it provided to residents. CPM expects a decision on the motion for class certification later this spring. **Frank Pitre** and **Julie Fieber** lead the CPM team.

# ANTITRUST & BUSINESS FRAUD UPDATE

## CPM Appointed Co-Lead Lawyers *In re Dynamic Random Access Memory (DRAM) Direct Purchaser Antitrust Litigation*



Judge Jeffrey S. White of the U.S. District Court for the Northern District of California appointed **CPM** as co-lead counsel for the direct purchaser plaintiffs in *In re Dynamic Random Access Memory (DRAM) Direct Purchaser Antitrust Litigation* in September 2019. DRAM is a semiconductor memory device that stores data in capacitors situated in integrated circuits and is widely used in digital electronics. The plaintiffs allege the defendants conspired to raise prices in the DRAM market. **Adam Zapala, Elizabeth Tran Castillo, Adam Trott, and Reid Gaa** are leading this antitrust class action on behalf of **CPM**.

## Court Approves Final \$58M Settlement Reached With Airlines in Transpacific Class Action Now Totaling \$148 Million



In November 2019, the Court granted final approval of the last settlement in a long-running class action against the major transpacific commercial airlines. **CPM** secured a \$58 million settlement on behalf of the class of passengers with All Nippon Airways Co., Ltd., shortly before a two-week jury trial. The final settlement brings the cumulative settlements in the case to **\$148 million**. This case was heavily litigated and has been a long, hard fought case where Plaintiffs overcame many challenges, including prevailing on an important issue before the United States Court of Appeals for the Ninth Circuit on the issue of whether federal courts have the power to adjudicate price-fixing conduct in the airline industry. The case is being handled by **Joe Cotchett, Adam Zapala, Elizabeth Castillo** and team.

## CPM Continues to Prosecute Significant Claims Involving Price-Fixing of Electrolytic Capacitors



**CPM** is Lead Counsel and continues to successfully prosecute the *In re Capacitors Antitrust Litigation* case representing indirect purchasers of capacitors against defendants for allegedly engaging in two separate conspiracies to unlawfully inflate, fix, raise, maintain or artificially stabilize prices for electrolytic and film capacitors. Settlements have been reached with a number of defendants, of over \$80 million to date, and **CPM** will forward that money to the victims. The case is being handled by **Adam Zapala, Elizabeth Castillo, Adam Trott** and team.

## American Antitrust Institute (AAI) Award to CPM



The American Antitrust Institute (AAI) honored **CPM's Adam Zapala, Elizabeth Castillo** and **Alexander Barnett** with the Outstanding Antitrust Litigation Achievement in Private Law Practice Award in Washington, D.C. in November 2019. They were recognized for their work on *In re Automotive Parts Antitrust Litigation* for the benefits realized by millions of American consumers and businesses and for positive development of antitrust policy. **The Auto Parts settlements have surpassed \$1 billion and is expected to become largest indirect purchaser recovery in history of U.S. Antitrust Law and Cases.**

## CPM Moves for Final Approval of \$33.4 Million in Settlements Against the Resistors Manufacturers



After more than three years of hard-fought litigation and substantial discovery, **CPM** has secured a cumulative settlement fund of \$33.4 million on behalf of indirect purchasers of resistors. The Federal Court will hear the indirect purchasers' final approval motion. The case is being handled by **CPM's Adam Zapala, Elizabeth Castillo** and team.

## Employment Law and Workplace Issues

**CPM's** employment law group, headed by **Adam Zapala, Tamarah Prevost** and team, continues to be busy with a wide range of employment cases, representing employees who have been wrongfully terminated due to retaliation, gender discrimination, sexual harassment, disability discrimination, and whistleblowing. Email [azapala@cpmlegal.com](mailto:azapala@cpmlegal.com) or [tprevost@cpmlegal.com](mailto:tprevost@cpmlegal.com) if you have an employment matter you would like to discuss or refer to our lawyers. **CPM** handles cases statewide and in the U.S.

## CIVIL LIBERTIES & ENVIRONMENTAL UPDATE

### CALIFORNIA COUNTIES AND CITIES ANNOUNCE GROUNDBREAKING \$305 MILLION SETTLEMENT OF LANDMARK LEAD PAINT LITIGATION



A 19-year quest led by CPM to hold lead paint manufacturers accountable for the damage caused by their products came to a dramatic conclusion after a judgment of **\$1.1 Billion** when three companies agreed to pay millions to remove toxic lead paint from homes in 10 California cities and counties. Manufacturers knew for many years that their products caused lead poisoning of the brains of children but sold the products anyway. The companies' internal documents going all the way back to 1904 acknowledge that lead paint was "poisonous to a large degree." The companies stopped selling lead paint when it was banned nationally in 1978, but hundreds of thousands of homes across California still have lead paint on walls, windowsills and exteriors. The legal battle began in 2000. By 2003, all claims had been dismissed by Santa Clara County Superior Court judges, but in 2006 the Sixth District Court of Appeal allowed the case to proceed as a **public nuisance claim** and, after a six-week trial, in 2014 a Santa Clara County Superior Court judge ordered Sherwin-Williams, ConAgra and NL Industries to pay into a fund to inspect for and abate lead paint – the first win against lead paint manufacturers anywhere in the country. In 2018, the U.S. Supreme Court refused to hear their appeal, leading to a resolution. The money will be used to remove lead paint in homes built before 1980 in the cities and counties – mostly low-income housing with minority children.

### CPM ATTORNEYS ARE RECIPIENTS OF THE CONSUMER ATTORNEY OF THE YEAR AWARD - 2019

CPM's Joe Cotchett, Justin Berger and Mary Alexander of Mary Alexander & Associates were awarded the Consumer Attorney of the Year Award for 2019 for the Lead Paint litigation. The award is given to plaintiff lawyers who achieve a significant result in a case that assists consumers or the public for a better society nationally and in California.

### The Fight Continues for Public Access to Martin's Beach and Other Ocean Fronts on the California Coast

CPM continues to work with the community in San Mateo County to monitor the status of public access to Martin's Beach. In January, the state filed a lawsuit against the owners demanding restoration of public access to the property. CPM previously prevailed in litigation over the property on behalf of Surfrider Foundation, obtaining a judgment that the owners had to allow the public to use and access the coast unless and until the owners successfully obtain a permit to change the century-old practice. Public access and use of public lands is vital to the health of any community, and CPM is proud to have fought and won restoring of the public's right of access to Martins Beach. The case is being handled by **Joe Cotchett, Pete McCloskey, Eric Buescher, Mallory Barr** and team.



### Environmentalists Bring CPM to Sue the EPA for Removing Protections from Cargill Salt Ponds in Redwood City at the S.F. Bay



CPM represents Save The Bay, Committee for Green Foothills, and Citizens' Committee to Complete the Refuge, who are joined by San Francisco Baykeeper and their attorneys at Earthrise Law Center, in a lawsuit against the **Environmental Protection Agency** and its Administrator Andrew Wheeler. The lawsuit seeks to overturn EPA's March 2019 determination that the Redwood City Salt Ponds of San Francisco Bay are not "waters of the United States" and thus not subject to EPA protections, alleging EPA violated the law by removing the ponds from EPA protection. The lawsuit, brought under the Administrative Procedure Act seeks a declaration that EPA's negative jurisdictional determination was arbitrary and capricious, contrary to the Clean Water Act, and lacked substantial evidence to support its findings. The case is handled by **Joe Cotchett, Eric Buescher, Nazy Fahimi** and team.

# SECURITIES AND STOCK FRAUD ACTIONS UPDATE

## CPM Fights to Obtain Relief for WeWork Shareholders



CPM represents minority shareholders in a proposed class and shareholder derivative action against WeWork, with operations in San Francisco. Defendants include WeWork's founder, Adam Neumann, certain of WeWork's directors, SoftBank Group Corporation and its Chairman Masayoshi Son allegedly used their control of The We Company to benefit themselves to the detriment of the Company's minority shareholders. The action follows the cancellation of WeWork's anticipated initial public offering following the disclosure of several allegedly self-dealing transactions. WeWork's valuation allegedly dropped from \$47 billion to \$8 billion. The action is pending in San Francisco County Superior Court. The case is being handled by **Joe Cotchett, Mark Molumphy, Tyson Redenbarger, Noorjahan Rahman** and team.

## Shareholders File Class Action Against Micro Focus



CPM represents shareholders in a proposed class action against Micro Focus, a software development company based in the United Kingdom and its United States headquarters in the California Bay Area. The case relates to Micro Focus' merger with Hewlett Packard Enterprise Company and alleges that defendants failed to disclose information in the Registration Statement and Prospectus issued in connection with the merger. The litigation is pending in San Mateo County Superior Court. The case is being handled by **Mark Molumphy, Tyson Redenbarger, Noorjahan Rahman** and team.

## Investors File Lawsuit Against Uber



CPM represents investors in a proposed class action against Uber Technologies, Inc., certain Uber officers and directors, and the investment banking firms that acted as underwriters for Uber's initial public offering in May 2019, alleging that Uber's registration statement and prospectus contained misleading information about Uber's condition. The action is pending in San Francisco Superior Court, where Uber's headquarters is located. The case is being handled by **Joe Cotchett, Mark Molumphy, Tyson Redenbarger, Noorjahan Rahman** and team.

## CPM Represents Shareholders of Gilead Sciences



CPM represents a shareholder in Gilead Sciences, Inc., a biotechnology company headquartered in Foster City, in a books and records inspection action filed in San Mateo County Superior Court. The shareholder is pursuing records relating to an investigation into Gilead's development, patenting, and marketing of its antiviral HIV/AIDS drugs and Gilead's management of these activities. The case is being handled by **Joe Cotchett, Mark Molumphy, Tyson Redenbarger, Anya Thepot, Noorjahan Rahman** and team.

## Restoration Robotics



CPM represents investors who purchased Restoration Robotics stock in its October 2017 initial public offering. Restoration Robotics is a medical technology company that developed technology to assist doctors with follicular unit extraction surgery, a type of hair restoration procedure. The action alleges the company failed to disclose issues with the commercial viability of the technology that, once disclosed, resulted in a drop in the share value. The case is pending in San Mateo County Superior Court. The case is being handled by **Mark Molumphy, Tyson Redenbarger, Noorjahan Rahman, Elle Lewis** and team.

## CPM Targets Eventbrite in Securities Class Action Lawsuit



CPM represents shareholders of Eventbrite, Inc. who invested in Eventbrite's initial public offering in 2018. Eventbrite, headquartered in San Francisco, operates an event ticketing platform and manages certain events. The complaint alleges that Eventbrite misrepresented or failed to disclose information relating to the integration of an acquired company in the IPO documents sent to investors. The case is pending in San Mateo County Superior Court. The case is being handled by **Mark Molumphy, Elle Lewis, Tyson Redenbarger, Anya Thepot** and team.

# HONORS FOR CPM ATTORNEYS

## CPM ANNOUNCES NEW PARTNER ALEXANDER BARNETT



### ALEXANDER BARNETT (NEW YORK)

Barnett has more than two decades of complex litigation experience, during which time he has specialized in class action and mass tort practice. A former candidate for the New York State Assembly, Alex works in CPM's New York office, where he currently focuses on antitrust and consumer fraud class actions. Outside of his law career, Alex is a stand-up comedian, writer, and podcaster. As a 51-year-old white, Jewish husband of a black woman (who converted to Judaism) and the father of a 7-year-old biracial son, Alex's comedic work and writings focus on the challenges of parenting in middle-age and the issues that confront multiracial families.

## NEW ATTORNEYS AT CPM



### REID W. GAA

- Santa Clara University, B.A.
- University of California, Hastings College of the Law, J.D.
- Practicing in complex litigation — specifically, antitrust class actions, business fraud and elder abuse.



### NOORJAHAN RAHMAN

- Ohio State University, B.A., Magna Cum Laude and Phi Beta Kappa
- Georgetown University Law Center, J.D.
- Practicing in a wide range of civil litigation areas including class actions and complex civil litigation in securities losses and business fraud.

# TOP 100

## CPM PARTNERS SELECTED AS DAILY JOURNAL'S TOP 100 LAWYERS IN CALIFORNIA

Joe Cotchett, Frank Pitre and Nanci Nishimura have been selected among the legal *Daily Journal's* Top 100 Lawyers in California. The *Daily Journal* annually reviews thousands of nominations and honors 100 California attorneys doing the most cutting-edge work in business, civil, criminal and non-profit practices. Cotchett has been on the Top 100 list in California since the inception of the ranking and the Top 100 in the country for over 15 years.

## Green Foothills Honors Cotchett for Environmental Activism



Committee for Green Foothills honored **Joe Cotchett** with the 2019 Nature's Inspiration Award alongside Congresswoman Jackie Speier, Former Congressman Pete McCloskey and Lennie Roberts at Wickett Ranch in Woodside.



## McCarthy Chairs Annual High School Lecture Series on the Law in San Francisco

Niall McCarthy of CPM, with Joe McMonigle of Long & Levit, again ran the San Francisco American Board of Trial Advocates (ABOTA) James Otis Lecture Series. The program was attended by 200 Bay Area high school students. The panelists were **Associate Justice Carol A. Corrigan** of the CA Supreme Court and San Francisco City Attorney **Dennis Herrera**.



## Justin Berger Receives Barrister of the Year Award for 2019

The 2019 Barristers of the San Mateo County Bar Association presented Justin Berger with the **Barrister of the Year Award** during the Annual Judges' Luncheon. The award is given to an attorney in the SMCBA community who has and continues to give back to the Barristers section and new attorneys.

## NANCI NISHIMURA APPOINTED TO COMMISSION ON UNIFORM STATE LAWS BY GOVERNOR

**Gov. Gavin Newsom** announced the appointment of **Nanci Nishimura** to the Commission on Uniform State Laws. The 12-member commission was created in 1897 to represent California on the national Uniform Law Commission (ULC). The California commissioners ensure that the unique problems facing California are addressed and that the perspective of the state is heard on the issues considered by the ULC. Nishimura currently serves as the first woman attorney to be **Chairperson** of the **CALIFORNIA COMMISSION ON JUDICIAL PERFORMANCE**.



## CPM Attorneys Recognized as California Super Lawyers and Rising Stars for 2019



Every year, Thomson Reuters selects the top Northern **California Super Lawyers** through a patented multiphase selection process that analyzes peer recognition and professional accomplishments. Several of **CPM's** attorneys have been selected as Super Lawyers and Rising Stars honorees. The attorneys recognized as Super Lawyers are **Joe Cotchett** (Top 10, Ranked Number One), **Frank Pitre** (Top 10), **Niall McCarthy** (Top 100), **Mark Molumphy** (Top 100), **Justin Berger**, **Nanci Nishimura**, **Anne Marie Murphy** (Top 100 & Top 50 Women) and **Adam Zapala**. Another seven of our attorneys have been selected as Rising Stars honorees – **Mallory Barr**, **Eric Buescher**, **Elizabeth Castillo**, **Alison Cordova**, **Michael Montaño**, **Tamarah Prevost**, **John Thyken** and **Emanuel Townsend**.



# COMMUNITY ACTIVITIES



## San Mateo Police Activities League's Donor Appreciation Party

CPM has been an avid donor to the San Mateo Police Activities League. CPM, along with the other donors, organizations, dignitaries, and citizens were honored during an event held at the Carolands Chateau. CPM's Human Resources Director, **Darren Kelley** (pictured), serves as President of PAL's Board of Directors.



## CPM Lends a Helping Hand to Families in Need

CPM staff and the San Mateo County Bar Association Barristers volunteered to serve food at Haven Family House. Haven Family House is an organization that provides up to four months of transitional housing for homeless families.



## CPM Donates to SF Elementary School for a Brighter Future

In August, CPM attended a ribbon cutting ceremony at an elementary school located in San Francisco. CPM funded the project to allow the students to advance in STEAM (Science, Technology, Engineering, Art and Math) by having access to a new state of the art work space. CPM worked with the Good Tidings Foundation and USF Leo T. McCarthy Center for Public Service and Common Good's Engage San Francisco Initiative.

**CPM Volunteers for Food Bank**



During the holidays, CPM staff took time out of their busy schedules to volunteer at **Second Harvest Food Bank**, as they do each year for those in need.

**CPM Supports the Diversity of the Bar**



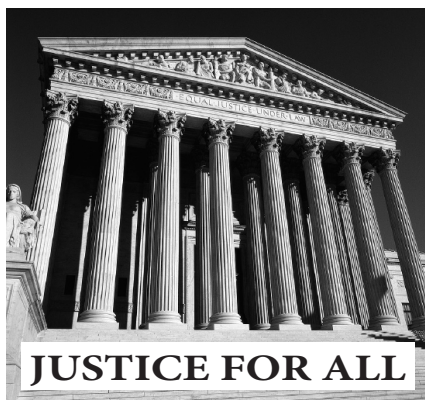
In 2019, CPM made a generous donation to the University of San Francisco School of Law, Black Law Student Association (BLSA). The BLSA is an organization that is dedicated to creating a safe space for law students and diversifying the Bar. With CPM's donation, BLSA funded students to attend retreats, conduct a service project at an elementary school and participate in The Judicial Clerkship Program in the Bay Area.

**CPM Serves the LGBTQ+ Community**



CPM actively represents the LGBTQ+ in the Bay Area and State and sponsors a number of events, such as Bay Area Lawyers for Individual Freedom (BALIF), Lambda Legal, etc. Members of CPM has been honored for supporting the community.

**COTCHETT, PITRE & McCARTHY, LLP**  
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www.cpmlegal.com



***“Cotchett, Pitre & McCarthy have 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)

# SPOTLIGHT

## - ADAM ZAPALA -



Adam Zapala is a Partner at Cotchett, Pitre & McCarthy, LLP, where he focuses on complex litigation, including antitrust, employment & civil rights, qui tam/false claims, consumer protection and class actions generally. Adam went to Stanford University where he starred for the nationally-ranked Stanford Men's Soccer program. Just recently, the program won three NCAA championships in a row and continues the tradition from Adam's era of being consistently a top-ranked team. Adam was a four-year starting goalkeeper for the Cardinal. During his time on the Farm, Adam set a number of school and NCAA records, including games played, minutes played, goals against average, and other statistics. Some of his records still stand today. He became a four-time Academic All-American, an All-American, and Captain of the team. Adam played for the legendary coach, Bobby Clark, who himself was a goalkeeper for Aberdeen F.C. and the

Scottish National Team. In 2015, as part of the centennial anniversary of the Pac-10 Conference, Adam was nominated to the Pac-12's All Century Men's Soccer Team. After graduating from Stanford University, Adam was drafted in the Major League Soccer ("MLS") Super Draft by the Dallas Burn (now named, FC Dallas). He also spent time playing in Scotland, with Aberdeen Football Club, a team in the Scottish Premiership. Nowadays, Adam simply enjoys watching his favorite European teams on television, and helping to coach his children so they can enjoy the game every bit as much as Adam did in his time. Adam is married to Molly Taylor Zapala (also a lawyer) and they have three children, Bobby (7), Edie (4) and Logan (2). They live and go to school in San Mateo.



# - SANTA MONICA OFFICE -

## MOVING FORWARD ON MAJOR CASES



Left to right: Joel Gordon, Lauren Romero, Rachel Willars, Sarita Govin, Neda Lotfi, Gary Praglin, Bob Hutchinson, Kelly Weil, Caitlin McDonough

The Santa Monica office gives CPM the ability to handle major cases all over Southern California. The office is staffed with experienced and sophisticated lawyers and staff, lead by Bob Hutchinson.

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# COTCHETT PITRE & McCARTHY LLP

## WOMEN LAWYERS OF CPM 'THEY ... GIVE LAWYERS A GOOD NAME'

- Judge of the Superior Court (Retired)



(Left To Right): Julie L. Fieber, Elizabeth T. Castillo\*\*, Gina Stassi, Mallory A. Barr\*\*, Sarvenaz J. Fahimi, Alison E. Cordova\*\*, Nanci E. Nishimura\*, Anne Marie Murphy\* Top 100 Northern California and Top 50 Women; Anya N. Thepot, Tamarah P. Prevost\*\*, Elle D. Lewis

\*Chosen to 2019 Super Lawyers; \*\*Chosen to 2019 Rising Stars

That's a former Superior Court judge's opinion about our attorneys. We're honored by that praise, and we've worked hard to earn it.

For more than 50 years, Cotchett, Pitre & McCarthy has focused its practice exclusively on litigation and trials, serving as the conduit to justice in cases involving consumer fraud, securities and investor fraud, fraud against the government, employment law, elder abuse and antitrust matters.

We're pleased that many of our attorneys have been selected to this year's Super Lawyers list, and others are Rising Stars honorees. All of our attorneys are committed to ensuring the best possible outcome for every client.

They are also devoted to community service locally and globally, with extensive volunteer engagement in charitable organizations benefitting the arts, people with disabilities and those seeking economic justice.

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*“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”*

*- Margaret Mead*

**CONGRATULATIONS**  
**JOSEPH W. COTCHETT**  
**JUSTIN T. BERGER**

*Cotchett, Pitre & McCarthy, LLP*

**CONSUMER ATTORNEYS OF THE YEAR**  
**2019**



**JOSEPH COTCHETT**

*Voted #1 Trial Attorney in Northern California by his peers for several years*



**JUSTIN BERGER**

*Recipient of the 2019 San Mateo County Bar Barristers Award*

**CASE INVOLVING LEAD PAINT IN HOUSING CAUSING LEAD POISONING IN CHILDREN**

*A 19-year legal battle to hold lead paint manufacturers liable for damages caused by their paint products led to a dramatic trial and resulting judgment of \$1.1 Billion. After appeal, the three companies agreed to pay multi-millions of dollars to remove toxic lead paint from homes in 10 California cities and counties. The complaint claimed that manufacturers knew for years that their products caused lead poisoning in children. Internal documents dating as far back as 1904 acknowledged that lead paint was “poisonous to a large degree.” The companies stopped selling lead paint after being banned nationally in 1978, but thousands of homes across California, mostly low income, still have lead paint on walls. The case went to the California Supreme Court on the right of public entities to retain outside counsel and the California Court of Appeal allowed the case to proceed as a public nuisance claim. After a six-week trial, in 2014 a Santa Clara County Superior Court judge ordered Sherwin-Williams, ConAgra and NL Industries to pay over \$1 billion into a fund to inspect for and abate lead paint – the first major win against lead paint manufacturers anywhere in the country. The money will be used to remove lead paint in homes – mostly low-income housing where minority children reside.*

**Consumer Attorneys of California salutes this year’s award winners and thanks the lawyers for their dedication and work for our society**

**THE LEAD PAINT LITIGATION**

*County of Santa Clara, et al. v. Atlantic Richfield Co., et. al.*

*Lawyers Representing Public Entities in California, involving Lead Paint poisoning in children*