

# ADVOCATES FOR JUSTICE

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## WRONGFUL DEATH LAWSUITS AND FAA CLAIMS FILED ON BEHALF OF VICTIMS KILLED IN BOEING MAX8 CRASH IN ETHIOPIA, AFRICA



In April 2019, **CPM**, along with **Clifford Law Offices** of Chicago, were contacted by a number of families of people killed in the tragic crash of an Ethiopian Airlines Max8 aircraft. Complaints were filed in federal district court in Chicago against Boeing, manufacturer of the plane and Rosemount Aerospace, Inc., manufacturer of the allegedly defective part. The federal complaints and claims against the FAA were filed on behalf of U.S. and Canadian citizens who were aboard Ethiopian Airlines Flight 302. The complaints allege that "Blinded by its greed, Boeing haphazardly rushed the 737 MAX8 to market, with the knowledge and tacit approval of the United States Federal Aviation Administration (FAA)." It further alleges, "Boeing's decision to put profits over safety" ... "and the regulators that enabled it, must be held accountable for their reckless ac-

tions." The cases are handled by **Joe Cotchett, Frank Pitre, Alison Cordova, John Thyken** and team. **Frank Pitre** and his team visited Kenya and Ethiopia on the investigation of these cases.

### CPM Client Named to Tort Claimants' Committee in PG&E Bankruptcy - North Bay Fire Cases -



In January, PG&E filed for Chapter 11 Bankruptcy to the great misfortune of thousands of victims of PG&E's wildfires and negligence, including the 2015 Butte Fire (CPM was liaison counsel), the 2017 North Bay Fires (CPM was co-lead counsel), and the

2018 Camp Fire. After filing for bankruptcy, the US Trustee announced the formation of a **Tort Claimants' Committee** to represent the interests of the victims in the bankruptcy process. A CPM client was named to that committee, and thereafter, has been working extensively to advocate for justice for all wildfire victims with the support and advice of CPM. The case is being handled by **Frank Pitre, Alison Cordova, John Thyken** and team.

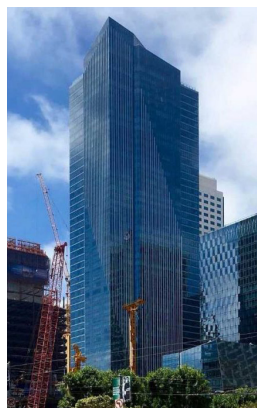
### SF Shipyard Nuclear Contamination Suits Continue to Move Forward



**CPM** represents dozens of residents of the San Francisco Shipyard development against Tetra Tech, Lennar, FivePoint Holdings, and certain executives of the companies—the cases focus on diminished property value related to the botched clean-up of the former Navy site. Among recent developments: several major banks ceased lending on new mortgages, a highly radioactive object was found next to the newly constructed homes, and false claims cases were announced, which the DOJ has joined.

The case is handled by **Joe Cotchett, Anne Marie Murphy, Julie Fieber, Duffy Magilligan** and team.

### Millennium Tower Cases Move Towards Trial in San Francisco Court



Three years after the Millennium Tower's sinking and tilting became public, **CPM's** work on behalf of homeowners who invested hundreds of millions of dollars to own units at the ill-fated project continues. The trial is currently set for February 2020, when the court will resolve who is at fault for causing the building's movement. A separate trial will take place against the developer of the building, Millennium

Partners, over their alleged fraud and concealment of that movement. CPM's suit contends that the developer knew of the sinking and tilting before sales of any of the units had closed, and nearly a decade before the information was publicly disclosed. CPM is leading the unit owners' claims and continues to push for a fair and speedy resolution so that the victims of the fraud and harm caused by the public agency who constructed the neighboring Transbay Terminal can be made whole and move on with their lives. The case is handled by **Frank Pitre, Niall McCarthy, Eric Buescher, Julie Fieber** and team.



Year of the Pig  
2019

大展鴻圖

客似雲來



## MAJOR RECENT UPDATES AND FILINGS



### ***Whistleblower Suit Filed Against Synnex for Potentially Damaging the Government***

CPM represents the whistleblower in a newly unsealed False Claims Act case against Synnex Corporation. The complaint alleges that Synnex misrepresents the country of origin on products it sells to the government. Synnex sells products that it imports directly from China and the Philippines while representing to the government that its products are made elsewhere. The complaint alleges this harms the government and puts sensitive government IT systems at risk. The case is being handled by **Justin Berger, Eric Buescher, Emanuel Townsend** and team.

### ***County of San Mateo Files New Suits Against Opioid Manufacturers Over Opioids Flooding the County***



The County of San Mateo filed suits against 20 opioid manufacturers—including Purdue Pharma, Endo Health Solutions, Teva Pharmaceutical Industries, Cephalon, Johnson & Johnson and Janssen Pharmaceuticals. The

lawsuit breaks new ground in also naming members of the billionaire Sackler family as defendants. The County's suit against manufacturers of opioids follows on the heels of the County's 2018 suit against opioid distributors. Both cases seek to recover the County's costs incurred to handle the opioid epidemic. The suit alleges that the defendant opioid manufacturers have created a public nuisance by manufacturing billions of opioid pills that have flooded local communities, including San Mateo County. According to the most recent data available, 97 San Mateo County residents died in 2017 from drug-related causes. In recent years, opioids accounted for almost half of scheduled drug prescriptions and there were hundreds of thousands of opioid prescriptions filled in San Mateo County. The attorneys handling the case are **Joe Cotchett, Anne Marie Murphy** and team.

### ***Lyft Shareholders File Suit Following IPO***



CPM represents a proposed class of Lyft shareholders who purchased shares in the ridesharing company's recent Initial Public Offering that raised over \$2 Billion from investors, one of the largest in United States history. Through its software plat-

form, Lyft operates a scaled network of drivers, offering riders the ability to select the mode of transportation suited to their specific needs. Lyft currently operates in hundreds of cities in the United States and select cities in Canada, and its primary competitor is Uber. Both companies are based in San Francisco and both wanted to conduct their initial public offering this year. The new lawsuit alleges that Lyft and certain of its highest ranking executives violated federal securities laws by failing to disclose key information in the IPO materials concerning its rideshare program, market position and exposure to safety issues. CPM attorneys handling the case are **Mark Molumphy, Tyson Redenbarger** and team.



### ***Apple iPhone Throttling Lawsuit Receives Green Light from Federal Court to Move Forward***

CPM is Co-Lead Counsel for consumers from around the world who own Apple devices, such as iPhones, allegedly harmed by software updates that secretly "throttled" performance. The class action is pending in the Northern District of California. In a recent order addressing Apple's motion to dismiss, the federal court allowed consumers to move forward with claims based on violations of California and federal computer intrusion statutes. The action now moves into the discovery phase, with depositions set to commence over the Summer. CPM attorneys handling the case are **Mark Molumphy, Brian Danitz, Gina Stassi, Elle Lewis** and team.



### ***The Fight Against the California Department of Water Resources Continues for the City of Oroville and Residents***

CPM continues its litigation against the California Department of Water Resources over the harm caused by the failure of the Oroville Dam's spillway in February 2017. The spillway's failure resulted in massive evacuations and substantial damages to property. CPM has been appointed Liaison Counsel for all of the plaintiffs who sued as a result of the crisis. CPM prevailed over DWR's attempt to avoid liability for the toxic work culture alleged in the complaint. Discovery of the causes of the crisis remain ongoing. Trial is set for June of 2020 in Sacramento. 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.



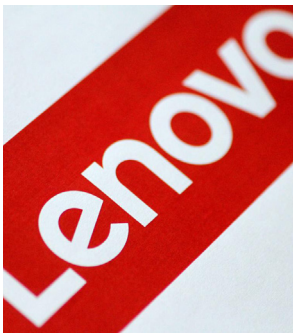
# FALSE CLAIMS & CONSUMER FRAUD UPDATE

## \$10M Settlement for Chevron's Oil Failure to Pay Royalties



CPM and the Ernst Law Group secured a \$10 million class action settlement with Chevron in a dispute over its underpayment of oil royalties. The settlement will result in a substantial recovery for a class of plaintiffs who were underpaid and overcharged for decades due to Chevron's deceptive practices during the last decade. The case also provides for benefits in the future to royalty owners in their ongoing relationships with Chevron. **Niall McCarthy** and **Eric Buescher** led the case for CPM with their Co-Counsel **Don Ernst** of the Ernst Law Group.

## Lenovo Final Approval of Class Settlement for Computers Pre-Installed with Malware



The federal court gave final approval of a class action settlement in litigation against Lenovo. The settlement is the result of five years of work on behalf of a class of people who purchased Lenovo computers that were pre-installed with malware. CPM, along with co-lead counsel, won a series of legal rulings allowing their claims to move forward, certified a class, and ultimately recovered \$8 million. Class members who purchased the computers will receive at least \$40 in addition to any costs resulting from harm the malware caused. The case is being handled by **Niall McCarthy**, **Eric Buescher** and team.

## Whistleblower Suit Against CardioDx Inc. Filed in San Francisco for Alleged Schemes to Defraud



CPM represents a whistleblower against a medical laboratory, CardioDx Inc. The complaint alleges that CardioDx violated the False Claims Act and California Insurance Frauds Prevention Act by engaging in multiple schemes to defraud the federal Medicare program and private insurers in connection with CardioDx's core product—a proprietary cardiac test called "Corus CAD." In late 2018, Medicare revoked coverage (i.e., stopped paying) for Corus CAD after confirming, as alleged in the complaint, that the test does not actually work as CardioDx represented on most of the Medicare-aged population. The case came out from under seal on December 13, 2018. The case is currently before Judge William H. Orrick of the United States District Court, Northern District of California. The case is being handled by CPM attorneys **Justin Berger**, **Emanuel Townsend** and team.

## False Claims Act Violations Involved Medicare Fraud Schemes



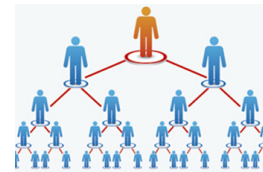
CPM represents three whistleblowers in a False Claims Act case alleging that the largest single specialty vascular surgery group in the State of Texas, Peripheral Vascular Associates, P.A. (PVA) engaged in schemes to defraud the federal Medicare program by systematically charging Medicare for incomplete and unnecessary ultrasound studies. CPM recently defeated the defendant's motion to dismiss and the

case is now proceeding to discovery. The case is currently before Judge Xavier Rodriguez of the United States District Court, Western District of Texas. The case is being handled by CPM attorneys **Justin Berger**, **Nazy Fahimi** and team.

## Families First Alleged Failed to Provide for Kids

CPM represents two former employees of a facility that provided care for children with extreme emotional or mental disabilities in a recently unsealed False Claims Act case. The complaint alleges that Families First failed to provide the care required by law that our most vulnerable citizens need and deserve. The case is pending in Alameda County and is being handled by **Eric Buescher**, **Mallory Barr** and team.

## CPM Wins \$10 Million for Victims of Ponzi Scheme



In *JD Brothers LLC et al. v. Liberty Asset Management Corporation et al.*, 3:15-cv-01373-VC (N.D. Cal.), CPM represents the plaintiffs in a case alleging a fraudulent real estate investment scheme involving multiple transactions and multiple shell companies. The District Court recently entered Judgments totaling \$10 Million in favor of plaintiffs. **Brian Danitz** led the team handling this case.

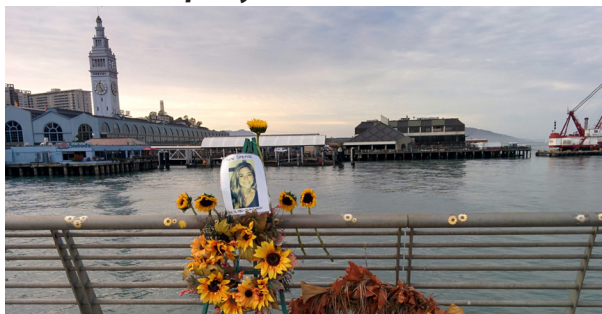
## CPM Honored by the California Advocates for Nursing Home Reform



In May, CPM was recognized by the California Advocates for Nursing Home Reform (CANHR) at their 35th Anniversary Gala in San Francisco. CPM was recognized as a "Long Term Care Revolutionary" and has long advocated for seniors who are victims of elder abuse. CPM attorney **Anne Marie Murphy** has been elected President of CANHR. Murphy has been on the CANHR Board of Directors since 2015, and has served as an officer since 2017. She has practiced extensively in the area of elder abuse, handling many notable cases, including jury trials, against nursing homes and those who have taken financial advantage of seniors.

## CONSUMER CASES UPDATE

### ***Family of Kate Steinle Continues Case Against U.S.A. for Failure to Properly Secure Firearm***



Despite the recent, disappointing Ninth Circuit ruling that the Steinle case cannot proceed against the City and County of San Francisco or Sheriff Mirkarimi, the case against the United States of America is still going forward. In that matter, a Bureau of Land Management officer was driving through downtown San Francisco at night on work assignment. He parked his vehicle curbside on the Embarcadero, and left a loaded firearm in a backpack unlocked and unsecured inside the vehicle. The backpack was stolen, and three days later the firearm was used to kill Kate. A mandatory settlement conference is scheduled for June 2019. The case is being handled by CPM's **Frank Pitre, Alison Cordova** and team.

### **Porter Ranch Gas Line Rupture - Aliso Canyon, Los Angeles -**



CPM lawyers and investigators working with other lawyers and the California Public Utilities Commission, the Department of Conservation Division of Oil and Gas, released a report by Blade Energy that found Southern California Gas Company generally liable for the leak that caused a rupture of a corroded outer 7-inch well casing. SoCalGas did not conduct detailed follow-up inspections after prior leaks. More than 60 casing leaks were before the October 2015 incident, but no investigations of the leaks were conducted by SoCalGas. SoCalGas lacked any form of risk assessment focused on well integrity management and lacked systematic practices of external corrosion protection. These cases are being handled by **Frank Pitre, Robert Hutchinson, Julie Fieber, Joel Gordon, Neda Lotfi** and team, with Co-Counsel.

### **Millionaire Hillsborough Heiress Going to Trial for Murder in August 2019**



CPM represents the mother and children of Keith Green, a young man who authorities allege was murdered by his ex-girlfriend and the mother of his children, Tiffany Li, a millionaire Hillsborough heiress who posted \$66 million in cash and assets to be released on bail. Keith left behind two infant daughters and his mother, who seek justice in a civil matter for the loss of love and companionship of their father and son. If Li is convicted of felony murder, then the civil case shall be expedited to trial in 120 days under the law. The case is being handled by **Frank Pitre, Alison Cordova, Duffy Magilligan** and team.

### **CPM Represents Rider Injured in Popular Zipline Incident**



CPM recently filed suit on behalf of a young woman injured while riding a zipline at a park in San Luis Obispo County. While riding the zipline with a friend, a robotic component malfunctioned and struck the young woman in the head, causing serious injuries. Although the park had required the woman to sign a standard waiver of liability, the suit claims that waiver has no legal effect due to the park's gross negligence in operating the ride and because the park was acting as a common carrier in offering transportation on its zipline to the public. **Frank Pitre** and **Julie Fieber** are leading this case.

### **Trial Moving Forward for Motorist Suffering from Traumatic Brain Injury**



CPM represents 19-year-old Abigail Bolde, who suffered traumatic brain injury after a exhaust pipe defectively designed by defendant Navistar detached from its truck, fell to the roadway, was hit by another vehicle, and flew through her windshield hitting her on the head. The case is set for trial in Los Angeles Superior Court in July. The case is being handled by CPM's **Robert Hutchinson, Duffy Magilligan, Neda Lotfi** and team.

### **Madera Irrigation District Involved in Mismanagement of Water Resources Affecting Local Farmers**

CPM represents a public irrigation agency in Central California called Madera Irrigation District who is responsible for managing water resources in the region for local farmers. The District claims its prior general counsel, Stoel Rives LLP, committed malpractice in its representation, including fraudulently billing the District and negligently advising the District regarding a major, multi-million dollar construction-development project and the District's access and control over water. Stoel Rives claimed that a previously signed contract between the parties waived and released all claims of the District related to fraudulent billing. This issue was bifurcated into a first phase bench trial in San Mateo County in front of Judge DuBois, which **Frank Pitre** and **Alison Cordova** recently won. The second trial is now set for June 2020.



# CIVIL LIBERTIES & ENVIRONMENTAL UPDATE

## CPM Takes on Water Contaminated by Oil Production in Kern County on Behalf of Farmers



CPM is part of a consortium of law firms taking on the oil industry over its waste water dumping practices that have contaminated fresh water aquifers used for irrigating cherry and almond crops in Kern County. Evidence of shoddy maintenance practices, including leaking wastewater storage tanks, along with the characteristic chemical signature of oilfield production water in the contaminated

irrigation wells strongly implicate local oil production operations. Trial is set for August 2019. **Frank Pitre, Julie Fieber** and **Duffy Magilligan** are leading the team.

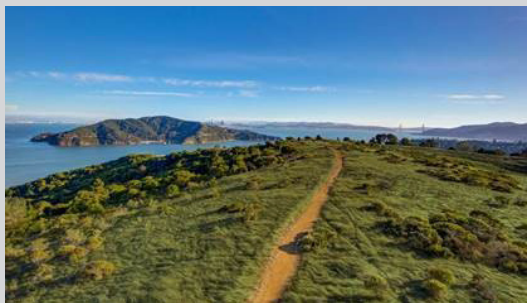
## Elevated Lead Levels Found in Fresno's Water Creates a Major Public Health Nightmare



In a potential class action brought in cooperation with a group of other firms, **CPM** has been investigating the City of Fresno's responsibility for incidents of discolored drinking water and elevated lead levels in City-water supplied to local residents. It is believed that the City's failure to maintain the chemical

properties of treated drinking water within a prescribed range caused damage to residential plumbing systems, forcing many homeowners to incur the expense of entirely re-plumbing their homes. **Frank Pitre, Julie Fieber** and **Duffy Magilligan** of CPM are leading the investigation.

## Appeal Filed to Restore Public Rights to Access Hiking Trails in Tiburon



The hiking trails in Tiburon and Belvedere are home to some of the most iconic views in the bay area. Overlooking the Golden Gate Bridge, Angel Island, and San Francisco, generations of Californians have used hiking trails as public spaces in the community, and people come from throughout

the world to experience the outdoor beauty and activity the bay area has to offer. In 2016, a landowner closed down a series of hiking trails in Tiburon. A local advocacy group raised sued claiming the trails had been dedicated to the public over fifty years ago. The trial court found for the Defendant. CPM has been brought in to handle the appeal and to continue its proud work in fighting for public access and use of public resources. The case is being handled by **Eric Buescher** and team.

## CPM Obtains Relief for Low Income Mobilehome Park Tenants



After almost 5 years of hard fought litigation on behalf of a class of low income mobilehome park tenants in San Mateo County, **CPM** and two other firms have reached a preliminary resolution of claims against the mobilehome park owner which had alleged unfair and fraudulent lease practices. If approved, the settlement will result in substantial relief for the mobilehome owners from oppressive lease terms along with monetary compensation for past rent increases alleged to have been in excess of legal limits. **Frank Pitre** and **Julie Fieber** lead the CPM team.

## The Fight Continues for Deferred Action for Childhood Arrivals (DACA)



**CPM** represents the City of San Jose on a pro bono basis in a case seeking to stop the Trump Administration from rescinding DACA, which shields hundreds of thousands of young immigrants from deportation. In January 2018, the District Court granted a nationwide preliminary injunction preventing the rescission of DACA. In November 2018, the Ninth Circuit affirmed. The administration filed a petition for review of the injunction with the U.S. Supreme Court. To date, the Supreme Court has taken no action, leaving DACA in place. The case is handled by **Justin Berger, Brian Danitz, Tamarah Prevost** and team.

## ANTITRUST & BUSINESS FRAUD UPDATE

### ***\$58M Settlement Reached With Last Airline in Transpacific Class Action***



CPM secured a \$58 million settlement on behalf of the class with the sole remaining Defendant, All Nippon Airways Co., Ltd., shortly before a two-week jury trial. This has been a long, hard fought case that 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. Plaintiffs substantially prevailed on Defendants' motions for summary judgment based on the filed rate doctrine. The case is being handled by **Adam Zapala, Elizabeth Castillo** and team.

### **Settlements Totaling \$60M Impact Purchasers of Domestic Airline Tickets From Major Airlines**



CPM, along with Co-Lead Counsel from Hausfeld, recently moved for final approval of settlements totaling \$60 million in this ongoing case against the largest domestic airlines in the United States. On May 10th, the Court granted final approval of the settlements with Southwest and American Airlines, finding the settlements to be fair, reasonable, and adequate. The case proceeds against United and Delta. The case is being handled by CPM's **Adam Zapala, Elizabeth Castillo, Alexander Barnett, Adam Trott** and team.

### **CPM Continues to Prosecute Significant Case 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, and CPM looks forward to distributing that money to the victims. The case is being handled by **Adam Zapala, Elizabeth Castillo, Mark Ram** and team.

### **Panasonic, Others to Pay \$33M to Indirect Resistor Buyers**



After more than three years of hard-fought litigation and substantial discovery, **CPM** secured a \$33.4 million settlement on behalf of the indirect purchaser plaintiffs. Preliminary approval of the five settlements is pending. The case is being handled by CPM's **Adam Zapala, Elizabeth Castillo, Mark Ram** and team.

### **Consumers Seek Legal Action Against Qualcomm for Engaging in Exclusionary, Anticompetitive Conduct**



CPM represents consumers in a lawsuit against Qualcomm for its alleged anticompetitive practices, including its acquisition and maintenance of a monopoly in the market for modem chips, refusal to license on non-discriminatory terms, and coercive exclusive dealing agreements, enabling Qualcomm to maintain a dominant market position, inhibit competitors, and artificially inflate the prices of cellular devices sold to consumers. The case being is handled by CPM's **Joe Cotchett** and team.

### **Price-Fixing of Generic Drugs in Philadelphia Federal Court**



CPM has been designated by the District Court as part of the leadership team representing end payer plaintiffs that purchased generic drugs from defendants. Plaintiffs allege that defendants conspired to unlawfully raise the prices of certain generic drugs to supracompetitive levels - thereby injuring consumers. This case is being handled by **Adam Zapala, Alex Barnett, Adam Trott** and team.

### **Auto Parts Settlements Surpass \$1 Billion, Expected to Become Largest Indirect Purchaser Recovery in History**

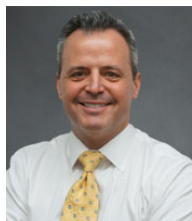


This is an antitrust multidistrict litigation involving 41 separate cases. CPM is co-lead counsel for the End-Payor Plaintiffs, who have alleged claims against automotive parts suppliers for engaging in long-running conspiracies to rig bids and fix prices of dozens of automotive parts. End-Payor Plaintiffs have reached \$1.22 billion in settlements with over 60 Defendant Groups. This litigation is expected to surpass In re TFT-LCD (Flat Panel) Antitrust Litigation as the largest indirect purchaser plaintiff recovery in history. There is only one remaining unsettled Defendant in one remaining unsettled case. This litigation is being handled by **Adam Zapala, Elizabeth Castillo, Alexander Barnett** and team.



# HONORS FOR CPM ATTORNEYS

## CPM ANNOUNCES TWO NEW PARTNERS



### JOSEPH M. ALIOTO, JR. (BURLINGAME)

Joe Alioto received his J.D. and M.B.A. from the University of California, Berkeley (School of Law and Haas School of Business). He received his Bachelor's degree from Georgetown University. Before joining the firm, Alioto served as an Assistant U.S. Attorney for several years, prosecuting complex racketeering conspiracies, public corruption, fraud, firearms and drug cases. Before his DOJ experience, Alioto litigated antitrust cases on behalf of private clients. His practice focuses on antitrust, securities, False Claims Act and consumer fraud cases. In the summer, Joe will be in the firm's San Francisco office.



### GARY A. PRAGLIN (LOS ANGELES)

Gary Praglin received his B.A. from the University of California, Los Angeles and J.D. from Southwestern University School of Law. He has been a community leader and trial lawyer for over 38 years. Praglin's legal expertise has focused on complex groundwater pollution cases, as well as consumer mass torts. Other notable areas include product liability, malpractice and Tobacco Litigation. Before joining CPM, Praglin was a partner at a prominent Los Angeles litigation firm. Over his career, he has helped recover nearly one billion dollars in jury verdicts and settlements for his clients. Praglin co-manages the CPM Los Angeles office.

### CPM Partners Selected to the Daily Journal's Top Plaintiff Lawyers

Joe Cotchett, Frank Pitre and Niall McCarthy have been selected to the *Daily Journal's Top Plaintiff Lawyers* list for 2019. The *Daily Journal* honors 30 top plaintiff lawyers in California. These distinguished lawyers "consistently force broad change in the law, industry and society." CPM is honored by this prominent recognition.



### McCloskey Honored by the San Mateo County Bar Association

Pete McCloskey was honored by the San Mateo County Bar Association. He was presented with the **James M. Dennis Memorial Award** in recognition of his courage and determination, his contribution to justice in the community. Pete served 12 years in Congress representing the San Mateo County Peninsula.



Bryan Reid, CAL-ABOTA President; Hon. Paul Bacigalupo, President of the California Judges Association; and Frank Pitre, CAL-ABOTA Board Member and SF ABOTA Membership Chair

### Pitre Receives Scales of Justice Award on Behalf of Cal ABOTA

In May, the California Judges Association presented Cal ABOTA with its "**Scales of Justice Award**" with **Frank Pitre** there to accept the award on Cal ABOTA's behalf. Cal ABOTA was recognized for their continued support to a fair and impartial judiciary and judicial independence. At the Annual Membership Election Meeting, the Chapter Members approved **Niall McCarthy** as the ABOTA SF Chapter Treasurer for 2020.

### Chief Judge Taps Alioto to Help Select Next Magistrate Judge



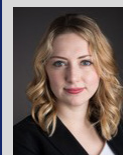
The **Honorable Phyllis Hamilton**, Chief Judge of the Northern District of California, has selected **Joe Alioto** to help with the appointment of the next Magistrate Judge in Oakland. As part of the Merit Selection Committee, Alioto will review and interview candidates on behalf of the Court before proposing finalists to Judge Hamilton. The Committee is anticipated to work through Fall 2019.

## NEW ATTORNEYS AT CPM



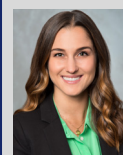
### TYSON C. REDENBARGER

- University of Colorado, B.F.A.
- Santa Clara University School of Law, J.D.
- Practicing in a wide range of civil litigation areas including class actions and complex civil litigation.



### ANYA N. THEPOT

- University of California, Santa Cruz, B.A.
- Santa Clara University School of Law, J.D.
- Practicing in the areas of securities, anti-trust, complex business and mass torts.



### KELLY WINTER WEIL

- University of California, Los Angeles, B.A.
- Loyola Law School, J.D.
- Practicing in the areas of mass consumer and tort actions, including class actions.
- Weil is based in the CPM Los Angeles office.

## Cotchett Among America's Top 100 Bet-The-Company Litigators



In April, **Joe Cotchett** was selected one of America's **Top 100 Bet-The-Company Litigators** for California. Cotchett was selected for his years of exceptional advocacy, litigation success, ethical standards, and extraordinary accomplishments in handling High-Stakes Business Litigation matters. In May, Cotchett was honored with the **Benchmark Litigation Award** for his outstanding accomplishments as a California lawyer.

## Nishimura Elected for 2<sup>nd</sup> Term as Chair of California Commission on Judicial Performance



**Nanci Nishimura** has been elected for a second term as Chair of the California Commission on Judicial Performance. She is the **first woman attorney** to serve as Chair of the 11-member Commission that was created by a constitutional amendment in 1960. It was the first judicial disciplinary body in the United States and has jurisdiction over more than 2,000 active judges serving on the superior courts, courts of appeal, and California Supreme Court. Nishimura was first appointed by **Governor Jerry Brown** in 2011, reappointed in 2015, and elected vice-chair in 2017. She was first elected Chair in 2018, and will serve for a final, one-year term under **Governor Gavin Newsom**.

## COMMUNITY ACTIVITIES

### CPM Proudly Supports PARS Equality Center



CPM attorneys, Gina Stassi and Nazy Fahimi and paralegal, Darren Kelley

In March, **CPM** sponsored the PARS Equality Center's Annual Persian New Year Gala. PARS' mission is to act as a catalyst for social, cultural and economic integration of Iranian-Americans, and other Persian-speaking countries into mainstream American society.

### CPM and SMCBA Team Up to Give Back to the Community

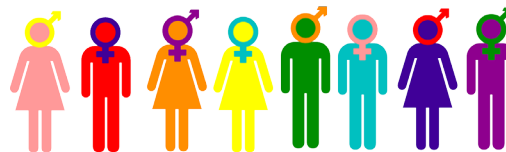


Again, **CPM** staff, along with the San Mateo County Bar Association, volunteered their time to the **Second Harvest Food Bank** to ensure nutritious food is distributed to every neighborhood in Santa Clara and San Mateo Counties. CPM values giving back to their community.



### Kelley Serves on the Police Activities League Board

**CPM's** Senior Paralegal **Darren Kelley** serves as the **Chair** for the San Mateo Police Activities League. San Mateo PAL provides a variety of recreational, social and educational activities that link police officers with San Mateo youth. A former 82nd Airborne paratrooper, he is a youth leader in our community. San Mateo PAL recently hosted its Annual Lights & Sirens Dinner chaired by Kelley.



### CPM Serves the LGBT Community

**CPM** actively represents the LGBTQIA 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 our community.

### Employment Law and Workplace Issues

**CPM's** employment law team, headed by **Adam Zapala**, **Tamarah Prevost** and team continue to be very 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 many cases statewide.

## COTCHETT, PITRE & MCCARTHY, LLP

840 Malcolm Road | Burlingame, CA 94010

[www.cpmlegal.com](http://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)



# SPOTLIGHTS

## - BRIAN DANITZ -



Brian Danitz is a partner at CPM focusing on complex litigation involving commercial disputes, intellectual property, and securities and consumer class actions. Prior to the law, he was an award-winning documentary producer, director and cameraman. Brian was cinematographer for Michael Moore's Oscar-winning *Bowling for Columbine*, the Oscar-nominated *Sound and Fury*, Emmy Award winning *TV Nation*, and many other documentaries and television series, including *The Big One*, *The Awful Truth*, and *CBS 60 Minutes*.

Brian's work as an independent filmmaker includes *Ecological Design: Inventing the Future*, a film about designing a sustainable future featuring the work of R. Buckminster Fuller and other visionary designers. The film was honored at the **Sundance Film Festival**, **San Francisco International Film Festival**, **Chicago International Film Festival**, **Columbus International Film and Video Festival**, and **Pretoria Environmental Film Festival**, and won the CINE Golden Eagle Award. Brian also produced and directed *Objects and Memory*, a film memorializing the World Trade Center tragedy and *N is for Nuclear*, a film about children's responses to Nuclear threat, and other documentaries.

He traveled the world and his film work brought him into the lives of people around the globe: from survivors of the Cambodian Killing Fields, to the Waiapi people of the Amazon, landmine survivors in Ethiopia and El Salvador, factory workers in Saipan, the favelas of Brazil, slums of Cité Soleil Haiti, townships of South Africa, shacks of the Mississippi Delta, war zones, and a Presidential inauguration. He is a graduate of Fordham Law School in New York and New York University.

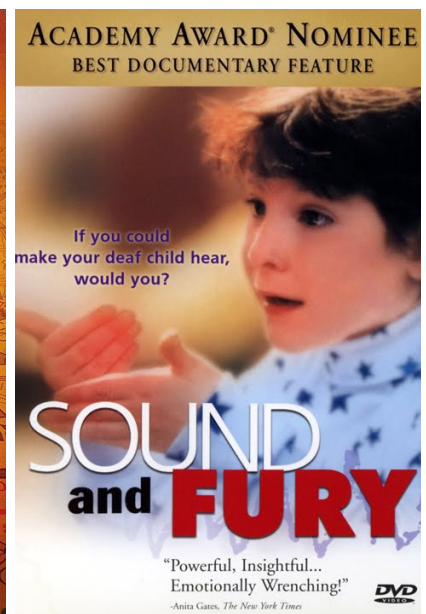
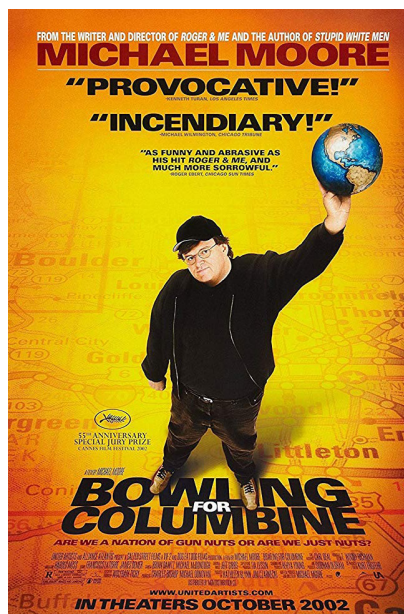
After more than a decade in the world of social-interest documentaries, Brian decided to apply his advocacy skills to the Law and, at **CPM**, to the pursuit of Justice for our clients.

Most recently, Brian has been appointed to the 2019 Commission on Judicial Nominees Evaluation (JNE) of the State Bar of California. The JNE Commission assists Governor Gavin Newsom in the judicial selection process.

Brian is married to Trisha, who holds a BS in Textile Engineering and a Master's in Materials Science. She currently works as a Product Development Engineer for a digital medicine company. They have two children, Nisa, who is currently a freshman at Bard College and Simon, a junior at Menlo-Atherton High School.



Brian Danitz filming at the top of the Manhattan Bridge.



## - ALEX BARNETT -



ALEX 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. Alex has been featured on Sirius/XM Radio's "Raw Dog Comedy," and NBC's EVB Live, and in VH1.com, The Wall Street Journal, The Huffington Post, and CNN.com. Alex's writings have also appeared in the Washington Post, the New York Daily News, on The Good Men Project, and in the Westchester Review.

In addition, because of his focus on issues of concern to the multiracial community, Alex has been a featured performer at the New Orleans Loving Festival, the Mixed-Remixed Festival in Los Angeles, and the Blend Conference at Cornell University. Recently, he appeared as a panelist on WNYC radio's "Shades of Love: Color, Parenting and Telling Our Kids the Truth about Race" part of its yearlong "The Other Box Project." Alex also is the host of the Multiracial Family Man podcast, on which he interviews guests to discuss issues of concern to multiracial people and people in multiracial families.

Alex enjoys spending his free time with his wife, Camille (a designer of children's fashion) and their 7-year-old son, Ivan.



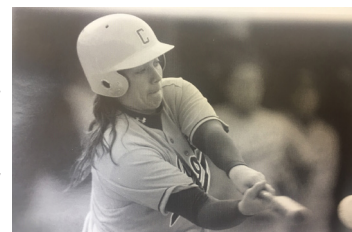
## - ALISON CORDOVA -



ALISON CORDOVA received her Bachelor's Degree from Columbia University in New York while playing varsity softball for the university and volunteering at several educational non-profits. After Columbia, she received her J.D. from the University of California, Hastings College of the Law, where she graduated cum laude. While at Hastings, Alison won the Witkin Award and the Cali Award as the top student in Negotiation and Settlement and was published in the Hastings' Constitutional Law Quarterly. Upon graduation, she received highest honors for outstanding achievement for pro bono work from Hastings and the California State Bar.

Alison is a trial lawyer who has proven her talent and skill in several large, complex matters, including against Chevron, PG&E, PetSmart, Samsung, the United States of America, and now Boeing. Before becoming a partner at CPM, Alison ran the San Francisco office of a consumer rights law firm based in Arizona, where she defended hundreds of consumers against the unscrupulous and unlawful behavior of debt collectors.

At CPM, she has argued at the Ninth Circuit and won several trials, including representing a central California Irrigation District in a legal malpractice action against a nationwide law firm. She is a regular speaker with Consumer Attorneys of California on topics ranging from PG&E Wildfires to Mass Torts to Evaluating Environmental Cases. She sits on the Boards of the San Mateo County Women Lawyer's Educational Foundation and the San Mateo County Trial Lawyers Association. In the past year, Alison has written articles featured in *San Francisco Chronicle*, including "Big Business Needs Big Policing" - see insert and *The Forum*, including "How to resolve a case when David and Goliath go to battle".



## - JULIE FIEBER -



JULIE FIEBER focuses on environmental claims, personal injury and business disputes. Before law, she worked as an engineer focusing on the air quality impacts of new vehicle technologies, fuels, and regional transportation control measures. In that role, she oversaw vehicle emissions modeling for the multi-year Auto/Oil Air Quality Improvement Research Program ("AQIRP"). Other projects she directed include developing vehicle emissions models for the California Department of Transportation and the U.S. EPA. She also conducted numerous workshops on vehicle emissions modeling.

After more than a decade as an engineer, Julie left the world of car exhaust, computer programs and spreadsheets in favor of a legal career, where she has been fortunate to work on both the plaintiff and defense side in numerous complex disputes. As a partner at CPM, she is grateful to be able to combine her analytical skills with her passion for justice. In 2018, the Western Center on Law and Poverty honored Julie for her excellent work on *Cruz v. Sierra Corporate Management*, a class action on behalf of low income residents of a Redwood City mobile home park over illegal and fraudulent rental practices by the park owner.

Julie is a second generation native of Bakersfield, California, an environment that shapes her to this day. She credits her advocacy skills and sheer obstinance to the experience of growing up a lesbian in that environment. Julie has a long history of involvement in the battle for acceptance, dignity, and basic civil rights for the LGBTQIA communities. During her first summer back home from college, she joined a small group of gay rights protesters who risked jobs and family to march daily outside the county courthouse during the trial of a local businessman who shot and killed his two unarmed gay neighbors; the businessman was acquitted of first-degree murder, serving only four years for involuntary manslaughter.

Julie is a graduate of the University of San Francisco School of Law (summa cum laude) and UC Santa Barbara (B.S. Chemical Engineering). She has one son, Ellis, who will start next fall as a freshman at Riordan High School.





# San Francisco Chronicle

April 14, 2019

## Big Business needs big policing

By Alison E. Cordova

PG&E's bankruptcy filing presents a problem brought on by the rise of Big Business in the past two centuries. Before "Big Business," if a company repeatedly killed people or stole from them, it would go out of business. Today, some Big Businesses would claim they are too big to fail, despite the death and destruction they cause. The effect on the financial system would be too big — and too many people would suffer further.

So, to preserve its immense power, a Big Business often resorts to filing for Chapter 11 bankruptcy, forcing its victims to fight with its other creditors over their share of a fixed pool of money. Why is it fixed? Because Big Business claims that it can only spare so much and survive the bankruptcy as a viable company. So instead of the victims getting what they deserve, they get what the Big Business says it can spare.

For many, this just feels plain wrong and begs the question: How do we stop a badly behaving Big Business from harming innocent people?

We have corporate police, whose job it is to keep Big Business from behaving badly. These regulators, such as the California Public Utilities Commission and the Federal Aviation Administration, are failing to perform the job adequately. Why?

Regulatory agencies are generally under-skilled and technologically under-equipped compared with the Big Businesses they regulate. And regulatory employees are not compensated at the same level as their corporate counterparts, making it difficult to keep good employees who are not interested in fostering a good relationship with the Big Businesses (a.k.a. future employers) they are regulating.

For example, the federal budget for regulatory agencies in 2000 was \$25 billion (1.42% of spending). In 2010, President Barack Obama raised the regulatory budget to \$53 billion (1.5%), and now President Trump has proposed a budget of \$71.0 billion in 2019 (1.5%).

This is peanuts compared to spending on state and local police. According to data collected by the Urban Institute, in 2016 state and local governments spent \$187 billion (6% of spending) on policing and corrections.

It makes no common sense to put more resources into fighting Goliath than fighting David. If we do not enable our corporate police to fight Goliath, people can and will die, and their wealth and livelihoods can and will be destroyed. Look at PG&E and the Town of Hinkley (San Bernardino County), or Paradise (Butte County), or San Bruno or Santa Rosa.

Look at the Federal Aviation Administration and the recent tragic plane crashes of the Boeing 737 MAX, killing 346 people.

Big Business needs big policing. Just like the mafia, drug lords or organized gangs.

One possible solution is using private resources, which has been successful under the Federal Claims Act, a law that imposes substantial damages if you steal money from the government. It offers protection to corporate insiders who inform on company fraud by allowing them to participate in the government's financial recovery from the bad company. It also makes it economically feasible for private law firms to assist the government in investigation and prosecution by allowing the law firm to recover their reasonable legal fees and costs from the bad corporation that commits fraud.

A prolific number of informants have come forward since Congress amended the FCA, uncovering numerous enormous frauds on the government and the public's money. Between 2009 and 2016, the Department of Justice collected \$31 billion in revenue from such FCA private lawsuits. In addition, fear of insider informants will arguably lead big corporations to act better.

As we already have seen after the Boeing 737 MAX crashes, whistle-blowers have surfaced. But we need a mechanism to encourage people to inform on bad corporations before lives are lost and livelihoods destroyed.

Big Businesses behaving badly are not acceptable and need to be stopped because lives are more important than profits. These are truths we all know.

*Attorney Alison E. Cordova is a partner at Cotchett, Pitre & McCarthy LLP and counsel to victims of wildfires and the recent airliner crashes.*

