

# ADVOCATES FOR JUSTICE

San Francisco Bay Area • Los Angeles Area • New York

## SF SHIPYARD RESIDENTS FILE LAWSUITS OVER NUCLEAR CONTAMINATION OF AREA GUILTY PLEAS FOR FRAUD IN FEDERAL COURT AND MORE TO COME



Major contamination cover-up lawsuit filed by residents of San Francisco's newest residential neighborhood – the San Francisco Shipyard, against Tetra Tech, Lennar, FivePoint Holdings, and certain executives of the companies. The suit is the first to focus on the nuisance caused to the public and private homeowners related to property values resulting from the widespread fraud in environmental testing and remediation of the former Navy shipyard Superfund site. It is one of the largest environmental fraud cover-ups in the country. According to the complaint, Defendants failed to disclose to prospective homeowners that there was

rampant fraud in the testing and cleanup process. The fraud has caused two Tetra Tech supervisors, Justin Hubbard and Stephen Rolfe, to plead guilty in federal court to crimes related to the fraud and cover-up of the toxic problems. As reported by the EPA's local Superfund Division, as much as 97 percent of Tetra Tech's cleanup data needed to be retested due to the fraud. The Complaint alleges that Lennar and Tetra Tech knew they were selling badly contaminated land, yet they marketed the residential development to prospective homeowners as clean and safe. The case is handled by **CPM's Joe Cotchett, Anne Marie Murphy, Alison Cordova, Stephanie Biehl, Duffy Magilligan** and team of paralegals led by **Nirav Engineer, Jennifer Bloch** and **Jason Abbott**.

### BIG VICTORY FOR PUBLIC AND COASTAL ACT - Opening of Martins Beach -

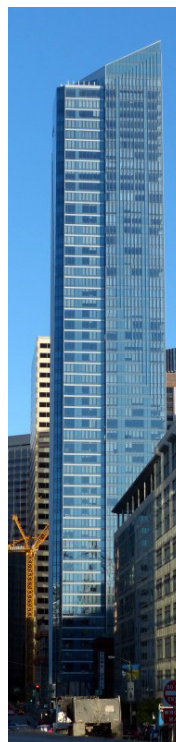


### Lawsuit Filed for Records of Trump, Jr. Private Business Trips Using Secret Service By Former Judge Quentin L. Kopp



CPM filed a lawsuit for former State Senator and Superior Court Judge **Quentin L. Kopp** against the United States Secret Service for public records related to Donald Trump Jr.'s protection detail while he was on a private business fundraising trip in India in February 2018. Pursuant to the Freedom of Information Act ("FOIA"), Judge Kopp requested records representing the taxpayer costs for Secret Service personnel accompanying Trump Jr. on his business trip abroad to fundraise for the Trump Organization. The Secret Service refused to provide any legal basis for withholding the public records. The case is handled by **Niall McCarthy, Justin Berger, Mallory Barr** and team.

### San Francisco's Millennium Tower Homeowners Continue to Seek Relief for Building Movement Led by CPM Team



CPM's litigation on behalf of homeowners in San Francisco's Millennium Tower alleging **fraud** against the developer and inverse condemnation and nuisance against the public agency who constructed the Transbay Terminal is continuing, with trial set for **June 2019**. Extensive discovery has explored the root causes for the building's foundation problems, which will be the focus of the trial. Once that trial is done, the CPM team will prepare for trial against the developers over misrepresentations they made to sell units at a building that was marketed as the "epitome of luxury living in San Francisco." CPM continues to focus on securing relief for the Millennium Tower's homeowners, who collectively invested hundreds of millions of dollars to buy their units only to now find them virtually unmarketable and prospects for stabilizing the Tower uncertain at best. The case is handled by **Frank Pitre, Niall McCarthy, Eric Buescher, Julie Fieber** and team of engineers and paralegals.



Year of the Dog  
2018

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CPM AIR



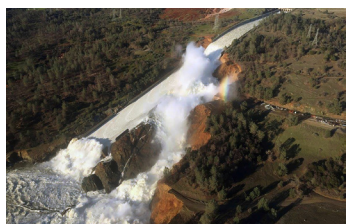
## MAJOR RECENT UPDATES AND FILINGS



### San Mateo County and Others Sue Distributors Over Opioid Distribution The Worst Health Crisis in the Country

The County of San Mateo filed suit against the "Big Three" opioid distributors including San Francisco-based McKesson, alleging the trio created a public nuisance by pumping billions of opioid pills into local communities include San Mateo County. The suit alleges that the three companies, collectively known as "The Big Three," violated numerous California laws designed to prevent illegal opioid sales and overprescribing. The County alleges that the distributor defendants "caused a public health crisis, including costs for excessive prescribing, addiction related treatment costs, law enforcement costs, costs related to deaths, costs related to lost productivity of the work force, and costs related to caring for children born addicted or with addicted parents." The attorneys handling the case are **Joe Cotchett, Anne Marie Murphy, Adam Trott** and team.

### CPM Leads the Coordinated Oroville Dam Lawsuits Against the Department of Water Resources that Caused Hundreds of Millions of Dollars in Losses to the City of Oroville and Residents



CPM represents the City of Oroville, farmers, business and property owners affected by alleged failures of Oroville Dam in February 2017. The dam's failure triggered an evacuation and caused hundreds of millions of dollars of damage to farms, businesses, and private property. These cases are coordinated with other cases in a coordinated proceeding in the Sacramento County Superior Court. CPM was selected by the plaintiffs group to be liaison counsel for the coordinated proceedings. The case is led by **Joe Cotchett, Niall McCarthy, Justin Berger, Eric Buescher, and Mallory Barr** and team, along with co-counsel James Nolan and David Janes of Gardner, Janes, Nakken, Hugo & Nolan and Richard Harriman of Chico.

### First Worldwide Case Led by CPM in the Apple Battery Throttling Case



U.S. District Court has appointed **CPM** and **Kaplan Fox & Kilsheimer** as co-lead plaintiffs counsel for Apple consumers arising from Apple's admitted throttling of their iPhones and iPads. Joe Cotchett of CPM and Larry King of Kaplan Fox were appointed to head the plaintiffs executive committee. In December 2017, news broke that Apple had tricked millions of people into downloading software designed to slow down the performance of older iPhones and iPads which would force consumers to purchase the newer model iPhones at a higher price. The attorneys handling the case are **Joe Cotchett, Mark Molumphy, Stephanie Biehl, Gina Stassi** and team. The court has denied the Motion to Dismiss throttling claims.

### U.S. Supreme Court Denies Defendants Review of Lead Paint Poisoning Case



In October, the U.S. Supreme Court declined to hear an appeal by Defendants Sherwin-Williams Company, ConAgra Grocery Products Company, and NL Industries, Inc. After an 18-year legal battle and a \$1.15 billion judgment in 2013, this was a major victory for California children who have been poisoned by lead paint in their homes. In September, the court ruled that the abatement fund should be set at \$409 million to cover pre-1951 housing. The 10 cities and counties that were the plaintiffs will use these funds to remove lead paint hazards from pre-1951 homes, occupied by low- and moderate-income families. The case was tried by **Joe Cotchett** and by recently-appointed **Judge Nancy Fineman**, with the assistance of paralegal, **Laurie D'Elia**. It is now led by **Nanci Nishimura, Justin Berger** and team - **See Insert**.

### CPM Files New Complaint in Shareholder Lawsuit Against Facebook's Board of Directors Alleging Lack of Oversight and Inadequate Internal Controls That Exposed Facebook Users to Massive Violations of Confidentiality

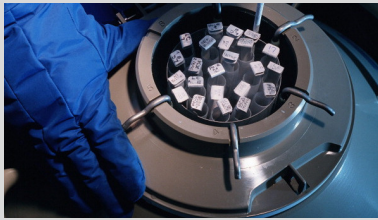


CPM filed the **first shareholder lawsuit** against Facebook's Board of Directors in March, after it was revealed that Facebook had learned in 2015 that user data had been improperly obtained by Cambridge Analytica and was used by the Trump presidential campaign in the 2016 election. In July, CPM was appointed lead counsel for the shareholder plaintiffs and filed a new complaint. The new complaint contains additional allegations about the FTC investigation of Facebook for possible violations of the consent order entered in 2012, the DOJ and SEC investigations of Facebook for potential violations of federal securities laws, and other U.S. and foreign government investigations of Facebook for user privacy, data security and disclosure violations, many of which have already been adjudicated and resulted in fines and penalties for Facebook. The complaint adds new claims against Facebook's Board of Directors for violating federal securities laws by making misleading statements about Facebook's internal controls and compliance with applicable laws, and by authorizing a massive stock repurchase program and causing Facebook to repurchase shares at artificially inflated prices. The case is led by **Mark Molumphy, Joe Cotchett, Brian Danitz, Gina Stassi, Stephanie Biehl** and team.



# FALSE CLAIMS & CONSUMER FRAUD UPDATE

## Couple Sues Fertility Clinic Over Damaged Eggs



CPM represents a couple who filed a class-action lawsuit in San Francisco Superior Court against Pacific Fertility Clinic alleging the clinic and its tank manufacturer, Chart Industries, failed to properly maintain, inspect and monitor Tank No. 4, where the couple's eggs were stored. A leak over multiple days allowed liquid nitrogen levels in the tank to "drop to dangerously-low levels, thereby allowing the temperature in the tank to rise," the lawsuit says. The eggs were destroyed through a combination of human and technological error. Chart Industries has since issued a recall of several tanks due to problems with leaks. The case is handled by **Anne Marie Murphy, Stephanie Biehl** and team.

## Whistleblower Suit Against Boston Heart Diagnostics May Proceed



In September 2018, the District Court for the District of Columbia, allowed a whistleblower's claims of vast healthcare fraud to proceed. Represented by **CPM**, the case alleges that Boston Heart Diagnostics, a laboratory company that focuses on tests related to cardiovascular disease, has systematically **defrauded taxpayers** by paying kickbacks to doctors that order its tests. **CPM** attorneys **Niall McCarthy, Justin Berger, Eric Buescher** and team lead the litigation in Washington.

## CPM Takes on Illegal Practices in the Homeowners Lending Field

This case alleges that ALS Lien Services engaged in a number of illegal practices designed to keep California homeowners in perpetual debt. Contra Costa County Superior Court Judge Edward G. Weil granted **CPM's** motion for class certification in a class action lawsuit against Defendant ALS. In granting CPM's motion, Judge Weil rejected ALS's arguments that the class was not ascertainable and that common questions did not predominate. CPM attorneys **Justin Berger** and **Emanuel Townsend** are handling the case, along with attorneys from the Housing and Economics Rights Advocates.

## Chevron Oil Royalties Fight Heads Towards Trial in Central California

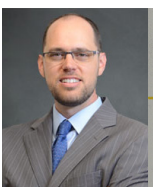


CPM represents a class of individuals against Chevron for underpayment of their oil royalties in Central California. CPM defeated Chevron's summary judgment motion related to their concealment of material information from the class of royalty owners and the case is set to proceed to trial in April 2019 in San Luis Obispo County. **Niall McCarthy** and **Eric Buescher** lead the team with co-counsel.

## Peninsula Flood Damage Victims Receive Compensation for their Losses

CPM successfully resolved flood damage cases on behalf of Peninsula families in San Mateo County. The floods arose out of a rainstorm and a water pipe that broke. CPM successfully pursued claims on behalf of these residents resulting in settlements for their families. **Eric Buescher, Mallory Barr** and team worked on the cases.

## CPM Partner Justin Berger Featured on CBS's New Primetime Series, "Whistleblower"



CPM partner **Justin Berger** was featured on CBS's new primetime series, "Whistleblower". The episode profiled CPM's case against Marinello Schools of Beauty, brought on behalf of six courageous whistleblowers. "Whistleblower" takes a thrilling look into the real-life David vs. Goliath stories of heroic people who put everything on the line in order to expose illegal and often dangerous wrongdoing when major corporations rip off consumers.

## Virginia Supreme Court Upholds CPM Award Decision



In a decision of first impression in state and federal appellate courts throughout the country, the Virginia Supreme Court ruled in a case filed by **CPM** in 2007, holding that a whistleblower's award under Virginia's false claims act must be calculated based on the total amount of the settlement of a qui tam case, not just the portion retained by the state. The underlying settlement was a part of over \$300 million in settlements paid by Quest Diagnostics Laboratory Corporation of America, under state false claims acts around the country between 2010 and 2017. The attorneys that handled this case are **Justin Berger** and **Eric Buescher** who argued the case.



## CPM Jury Verdict for Business Venture



**CPM** won a significant jury verdict for clients Cherif Medawar and the Medawar Income Fund ("MIGSIF").

The case involved millions of dollars' worth of San Francisco real estate. CPM's clients claimed that their long-time business partners overpaid themselves out of joint venture properties. CPM prevailed on its clients' claims and also defeated the defendants' counter-suit which claimed entitlement to half of MIGSIF's profits. The trial team was **Anne Marie Murphy** and **Duffy Magilligan**, with the assistance of **Darren Kelley, Jeanette Sanchez** and **Sylvia Hernandez**.

# MASS CONSUMER CASES UPDATE



## Massive Fake Spinal Surgeries on Women Case Moves Ahead in Los Angeles Superior Court With National Impact

Due to active criminal investigations being conducted by the U.S. Attorney for the Central District of California, Southern Division, there have now been over a dozen indictments with more anticipated. On July 2, 2018, the Judge ordered a stay of all cases, except ten Bellwether cases, due to the on-going criminal investigations. The ten Bellwether cases involve individual plaintiffs suing hospitals, surgeons and suppliers of implantable spinal hardware who allegedly participated in illegal kickback schemes as well as using non-FDA approved hardware in connection with spinal fusion surgeries. The ten Bellwether cases have been put on a fast track for trial. Robert Hutchinson is Liaison Counsel for the ten Bellwether plaintiffs. The whistle-blower case as well as all non-Bellwether plaintiffs' cases are indefinitely stayed pending conclusion of the criminal investigations. The case is handled by **CPM's Frank Pitre, Robert Hutchinson, Joel Gordon** and our Los Angeles office.



## CPM Named to Co-Lead Case Against PG&E in the North Bay Fire Lawsuit



Last Fall, **CPM** filed a victims' negligence suit against PG&E for "causing or contributing to" the North Bay fires that claimed 43 lives, displaced an estimated 100,000 people, and damaged 200,000 acres and 8,000 homes and structures. The lawsuit asserts that PG&E failed to properly maintain vegetation around its lines, failed to adequately inspect and maintain its overhead electrical equipment, and failed to acknowledge and mitigate known hazards and risks associated with constructing, maintaining and operating above-ground electrical lines. The case is being handled by **Frank Pitre, Alison Cordova, Duffy Magilligan** and team.

## Family of S.F. Native Shot With Stolen SFPD Gun Files Complaint Against SFPD



The mother of Abel Esquivel filed suit on September 13, 2018 against the City and County of San Francisco, as well as SFPD Officer Marvin Cabuntala who left his lethal firearm (a loaded .38 Smith and Wesson revolver) in an unsecured vehicle, which was then stolen and used to shoot and kill her beloved son, a twenty-three-year-old San Francisco-native, in the Mission District on August 15, 2017. Officer Cabuntala was so careless in his custody of the firearm that he claims to have been completely oblivious of the theft until after the police arrested the shooters and found the murder weapon. The case is being handled by **CPM's Alison Cordova, Duffy Magilligan** and team.



## Case Filed for Death of Father of Two in Murder-For-Hire on S.F. Peninsula Attracts World-Wide Attention

**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. It is also alleged that Tiffany Li conspired with her current love interest, Kareh Bayat, as well as Olivier Adella, to kidnap and kill Keith. Keith left behind two infant daughters and his mother, who seek justice for the loss of love and companionship of their father and son. The case is handled by **Frank Pitre, Alison Cordova, Duffy Magilligan** and team.

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



Working with a group of other firms, **CPM** has been investigating the causes of discolored drinking water supplied to homeowners by the City of Fresno. In addition to discoloration, some homes were found to have elevated levels of lead and other contaminants in their drinking water. Changes in the chemistry of the City-supplied water have also damaged residential plumbing systems, forcing many homeowners to incur the expense of entirely re-plumbing their homes. The investigation to date has focused on the City's failure to control the quality of water released from its water treatment plant. Another cause under investigation is the City's installation of water meters without components to prevent contact between dissimilar metals, which appears to have caused or exacerbated pipe corrosion. **Frank Pitre, Julie Fieber** and **Duffy Magilligan** of CPM are leading the investigation.

## 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. Discovery to date has established a history of poor maintenance of the oil wells and wastewater storage tanks located adjacent to the impacted farms, along with a history of leaks. The wastewater produced from these oil operations has escaped into the aquifer relied on by local farmers for irrigation. Trial is set for March 2019. **Frank Pitre, Julie Fieber** and **Duffy Magilligan** are leading the team.



# ANTITRUST & BUSINESS FRAUD UPDATE

## 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.

## CPM Wins Important Consumer Issue on Appeal Price-Fixing of Tickets



CPM won an important case 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 or must defer to regulatory agencies. Plaintiffs argued that the deregulation of the air transportation industry renders the filed rate doctrine inapplicable. The Ninth Circuit denied the defendants' appeal which has broad implications for many antitrust cases and is a major victory for U.S. consumers and businesses. The Supreme Court of the United States denied the defendants' Petition for Writ of Certiorari. The Federal Court has set a trial date for March 4, 2019. The case is being handled by **Joe Cotchett, Adam Zapala, Elizabeth Castillo** and team.

## Auto Parts Settlements Surpass \$1 Billion, Expected to Become Largest Indirect Purchaser Recovery in History - Detroit Federal Court -



This is an antitrust multidistrict litigation involving 41 separate cases. CPM is co-lead counsel for the End-Payer 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-Payer Plaintiffs have reached \$1.17 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 are only five remaining unsettled Defendant Groups. This litigation is being handled by **Joe Cotchett, Adam Zapala, Elizabeth Castillo, Alexander Barnett** and team.

## Price-Fixing of Domestic Air Travel First Settlement by Airline - Washington D.C. Federal Court -

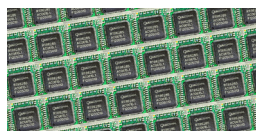


CPM has been appointed co-lead counsel against defendants in an alleged illegal conspiracy to fix, raise, and maintain the price of domestic air passenger transportation through various means, including by eliminating or restricting the supply of domestic air transportation - otherwise known as seating "capacity." The case is pending in Washington, D.C. Extensive discovery has been taking place. Southwest has settled for \$15 million and American Airlines has settled for \$45 million, which the Court has preliminarily approved. This case is being handled by **Adam Zapala, Alex Barnett, Elizabeth Castillo, 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. Eight of these defendants have pled guilty and paid criminal fines to the DOJ and/or EU. 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 **Joe Cotchett, Adam Zapala, Elizabeth Castillo** and team.

## Qualcomm's Anticompetitive Conduct Related to Licensing of Parts of Cellular Devices and Mobile Phones



U.S. Judge grants class certification and go-ahead on behalf of plaintiffs in a lawsuit brought by consumers against Qualcomm for its alleged anticompetitive practices in chips and parts for mobile phones. Such practices include its acquisition and maintenance of a monopoly in the market for modem chips, refusal to license on non-discriminatory terms its standard essential patents, and coercive exclusive dealing agreements, enabling Qualcomm to maintain a dominant market position, inhibit competitors, and artificially inflate the all-in costs to original equipment manufacturers which are passed on to consumers who buy cellular devices. The FTC has also filed an action against Qualcomm and Class Certification has been filed. The case is handled by **CPM's Joe Cotchett, Adam Zapala, Brian Danitz, Mark Ram, Michael Montano** and team.

# SECURITIES & ENVIRONMENTAL UPDATE

## LendingClub Global Settlement Approved



CPM attorneys **Mark Molumphy**, **Stephanie Biehl** and **Tamarah Prevost** serve as co-lead counsel for LendingClub investors who purchased shares in the company's 2014 IPO. The class action alleges that LendingClub's SEC filings concealed problems in the company's operations. CPM helped negotiate a \$125 million settlement of state and federal actions, which was recently approved by court.

## Yahoo Data Breach Settlement



CPM attorneys **Mark Molumphy**, **Stephanie Biehl** and **Gina Stassi** serve as co-lead counsel in a shareholder derivative action against Yahoo officers and directors arising from two major data breaches of user account data to Russian hackers. CPM recently announced a global settlement of California, Delaware and federal actions that, if approved, will provide \$29 million in relief.

## Sunrun Settles on Behalf of IPO Shareholders



CPM secures settlement for Sunrun IPO shareholders. CPM attorneys **Mark Molumphy** and **Tamarah Prevost** serve as co-lead counsel for the certified class of Sunrun shareholders arising from misleading statements in IPO documents. Sunrun, a San Francisco based provider of residential solar electricity, went public in 2015. CPM helped negotiate a \$32 million settlement that has been preliminary approved by the San Mateo Superior Court.

## CPM Obtains Relief for Common Shareholders of Oportun, Inc.



CPM attorneys **Mark Molumphy** and **Stephanie Biehl** represented a certified class of shareholders against directors and major investors of Oportun, Inc., a private lending company headquartered in Redwood City, CA. In September, a judge of the San Mateo Superior Court approved the \$7.5 million settlement recently reached in the case, giving Oportun shareholders relief for the alleged conflicts of interests of directors and major investors in approving "inside" financing rounds that diluted the common shareholders' ownership of the company. The settlement also included key business practice and corporate governance changes to benefit common shareholders going forward.

## CPM to Lead Largest Wildfire in California's History



**Frank Pitre** was appointed to the Plaintiffs' Executive Committee to help lead the charge against Southern California Edison regarding the December 2017 Thomas Fire which consumed over 280,000 acres and destroyed over 1,000 structures and homes, forcing over 100,000 residents to evacuate and two people to die. Even worse, about one month later in January of 2018, massive flows of water and mud raced down the mountain slopes that had been laid bare by the Thomas Fire, creating an enormous debris flow comprised of mud, trees, and rock, racing at speeds up to 20 miles per hour and destroying everything in its path. At least twenty-three people, including children, lost their lives in the mudslides. The case is being handled by **Frank Pitre**, **Alison Cordova**, **Duffy Magilligan** and paralegal team.

## Los Angeles' Porter Ranch Gas Leakage Cases Move Forward Towards Trial



CPM and Kabateck, Brown & Kellner represent over a thousand plaintiffs from the Porter Ranch area of Los Angeles County in their cases against Southern California Gas Company for the massive blowout of a natural-gas storage well in October of 2015. CPM is on the Plaintiffs Steering Committee, leading a litigation that encompasses more than 35,000 total plaintiffs who are suffering from drastic loss of home values and various health problems due to one of the largest man-made environmental disasters. Along with co-counsel, CPM gathered data on key Southern California Gas employees and reviewed documents produced by the defendant. In August, Southern California Gas settled their cases with the County of Los Angeles and State of California. A mediator has been chosen for private plaintiffs' cases, and plaintiffs' counsel has asked for the court to set the first Bellwether trial for May/June of 2019. Plaintiffs are represented by **Frank Pitre**, **Robert Hutchinson**, **Julie Fieber**, **Joel Gordon**, **Neda Lotfi**, and team, with co-counsel.



# HONORS FOR CPM

## Super Lawyers Magazine Recognizes CPM as Top Lawyers in Northern California



Many CPM attorneys have been selected to the 2018 Super Lawyers list - **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 2018 Rising Stars honorees - **Stephanie Biehl**, **Eric Buescher**, **Elizabeth Castillo**, **Alison Cordova**, **Mark Ram**, **John Thyken** and **Emanuel Townsend**.



### Western Center on Law and Poverty Honors Julie Fieber for 2018

The attorneys at **Western Center on Law and Poverty** honored **Julie Fieber** at Fair Shake in Los Angeles. Fieber was recognized for her excellent work on *Cruz v. Sierra Corporate Management*. The case is 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. **In April, Fieber was also awarded the State Bar of California's Wiley W. Manuel Pro Bono Services Certificate for providing services to low income residents.**

## NEW ATTORNEYS AT CPM



### SARVENAZ ("NAZY") J. FAHIMI

- Marquette University, B.A.
- Marquette University Law School, J.D.
- False claims act litigation, consumer protection, financial elder abuse, employment law, and other complex civil litigation.



### DANIELLE K. MOSKOWITZ

- McGill University, B.S.
- University of Pittsburgh School of Law, J.D.
- Complex antitrust, securities litigation, business fraud, mass torts and environmental law.
- Admitted in Washington, D.C. and New York



### ADAM J. TROTT

- University of California, Los Angeles, B.A.
- U.C. Berkeley School of Law, J.D.
- Complex antitrust, securities litigation, business fraud and mass torts.
- Appellate work



### ELLE D. LEWIS

- San Jose State University, B.S.
- University of San Francisco, School of Law, J.D.
- Complex antitrust, securities litigation, false claims.
- Civil rights and elder abuse.

## CPM Partners Listed in the San Francisco and Los Angeles Daily Journal's Prestigious Lists - Top 100 Lawyers List in California -



Four CPM partners - **Joe Cotchett**, **Frank Pitre**, **Niall McCarthy** and **Nanci Nishimura** - were named the *Daily Journal's* Top 100 Lawyers in California. **Joe Cotchett** and **Niall McCarthy** have also been selected to the *Daily Journal's Top Plaintiff Lawyers* list for 2018. The *Daily Journal* honors 30 top plaintiff lawyers in California.

## Frank Pitre Receives the Consumer 2018 Lifetime Legal Achievement Award in Los Angeles



**Frank Pitre** received Consumer Watchdog's 2018 Lifetime Legal Achievement Award for his advocacy for victims of PG&E following the San Bruno pipeline blast, the Butte fire, and the recent wildfires in Napa and Sonoma Counties. The event celebrated the heroes of the public interest movement at the Beverly Hills Hotel with presenter **U.S. Senator Bernie Sanders** - *See Insert*.



## McCarthy, Molumphy & Murphy Named to the Irish Legal 100

**Niall McCarthy**, **Mark Molumphy**, **Anne Marie Murphy** have been named to the Irish Legal 100 for 2018. The Irish Legal 100, founded by the Irish Voice newspaper in New York, is an annual compilation of the most distinguished Irish legal professionals in the United States.



## Prevost Elected to CORA Board of Directors

**Tamarah Prevost** was elected to the Community Overcoming Relationship Abuse (CORA) Board of Directors. CORA is a domestic violence organization serving San Mateo County and the courts and offers a multitude of services for victims of domestic violence.



## Tran Castillo Appointed to Executive Committee of Antitrust Section of State Bar

**Elizabeth Tran Castillo** was appointed to the Executive Committee of the Antitrust, Unfair Competition Law & Privacy Section of the California Lawyers Association (the new home of the Sections of the State Bar of California). The section deals with antitrust, unfair competition, and privacy issues under state and federal laws through Golden State Institute, seminars and publications.



## Cotchett Gives Commencement Speech to 2018 Graduating Class of University of California Hastings College of the Law

**Joe Cotchett** was the 2018 keynote speaker at UC Hastings' Commencement—urging graduates to take a stand and make a difference in the world. **"There is one purpose to being a lawyer,"** Cotchett said. **"It's to see that the doors of the courthouses are open to everyone on issues of public interest in accordance with the rule of law."** Cotchett received his JD from UC Hastings in 1964 after his Engineering degree from Cal Poly Tech. Cotchett has been a speaker across the state at many law schools and universities.

## COMMUNITY ACTIVITIES



### CPM Helping Kids and Families in Need in the SF Bay Area

CPM donated backpacks filled with back-to-school supplies to needy children at **Haven Family House**. Haven Family House is an organization that provides interim shelter and services for homeless families. Along with the San Mateo County Bar Association Barristers, CPM staff volunteered to serve food to those families.



### Giving Back to the Community on the Peninsula

The San Mateo County Bar Association Barristers organized an event where CPM staff volunteered to pack, inspect and organize food for **Second Harvest Food Bank**. The food was distributed to struggling communities and families faced with economic distress and CPM assisted.



CPM partners, secretaries and paralegals at a lunch event honoring Hillary Clinton



CPM's Nazy Sarvenaz at a reception for Congressman Adam Schiff and Senator Amy Klobuchar of MN.



CPM partners sponsor a major event for Hon. Gavin Newsom for Governor



### Montañó Speaks at La Raza Centro Legal's Diversity Pipeline

CPM's Michael Montañó spoke at La Raza Centro Legal's Diversity Pipeline program for Bay Area college students from communities that are underrepresented in the legal profession. Sitting on a panel, Montañó discussed the path to law school and encouraged the students to consider a legal profession.

### CPM Sponsors Cancer Society Fashion Show



CPM is a major sponsor for the American Cancer Society's annual Celebration of Life Fashion Show that took place in Monterey. A unique aspect of the event is that all the models are local cancer survivors willing to share their cancer journey to inspire others and create awareness in the community.

### Nishimura Co-Chair of Leaders Forum of Asian American Pacific Islanders



**Nanci Nishimura** is co-chair of the Leaders Forum, Asian American Pacific Islander leaders who advise the government on issues of national concern. In October, they were hosted by **Justice Stephen Breyer** at the U.S. Supreme Court with YPO (Young President Organization). All attended several conferences to engage members from across the country.

**COTCHETT, PITRE & MCCARTHY, LLP**  
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***"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)



# Los Angeles Times

October 1, 2018

## U.S. Supreme Court declines to take Martins Beach case — a win for California's landmark coastal access law

By ROSANNA XIA



In a significant victory for coastal access rights in California, the U.S. Supreme Court on Monday rejected a Silicon Valley billionaire's appeal to keep a beach to himself.

The decision caps an all-out legal battle over a small stretch of sand in San Mateo County known as Martins Beach. What began as a local dispute over a locked gate has exploded into a cause célèbre for beachgoers across California. The decade-long squabble spurred a spate of lawsuits that zeroed in on whether property owner Vinod Khosla needs state permission to gate off the road.

A string of California courts has said he does. If Khosla's last-shot appeal had been granted, his arguments before the nation's highest court could have threatened a landmark state law that declares beach access is a fundamental right guaranteed to everyone.

"The most conservative and divided Supreme Court in my lifetime confirmed that even a billionaire, who refuses to acknowledge that the law applies to him, and retains the most expensive attorneys he can find, cannot create a private beach," said Joseph Cotchett, lead attorney for the Surfrider Foundation, which sued Khosla. "Beaches are public in California, and the immensely wealthy must comply with the Coastal Act just like everyone else."

Dori Yob Kilmer, an attorney for Khosla, said in a statement that the case was not about public beach access, but about private property rights.

"We are disappointed the United States Supreme Court decided not to hear this important case," she said. "No owner of private business should be forced to obtain a permit from the government before deciding who it wants to invite onto its property."

In an interview with the Los Angeles Times earlier this year, Khosla said that he believed in the Coastal Act, but fighting this case all the way to the Supreme Court was for him a matter of principle.

"My view is: Absolutely we should increase coastal access when we can, but we should also protect private property rights," he said. "This is about principle. Reasonableness is all I ask for."

The battle over access at Martins Beach dates to 2008, when Khosla, a co-founder of Sun Microsystems, bought the 89-acre property south of Half Moon Bay for \$32.5 million.

The Deeney family that sold Martins Beach had, for almost a century, maintained a public bathroom, a parking lot, even a general store. Surfers, fishermen and picnickers paid 25 cents to enter. The fee eventually rose to \$10.

Khosla, in legal filings, said he "was willing to give the business a go, and continued to allow members of the public to access the property upon payment of a fee. But [he] soon faced the same problem the Deeneys had faced: The business was operating at a considerable loss, as the costs of keeping the beach, the parking lot and other facilities in operable and safe condition significantly exceeded the fees the business generated."

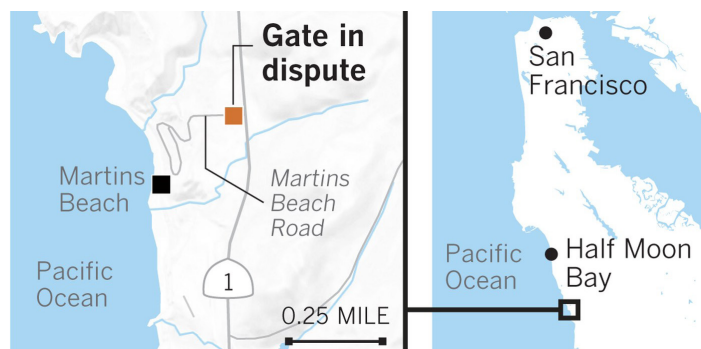
So he shut the gate, hired security and posted "do not enter" signs.

A number of public interest groups have since sued Khosla. He, in turn, has sued the California Coastal Commission, the State Lands Commission and San Mateo County, over what he considered an interference of his property rights.

A San Mateo County Superior Court judge, however, dismissed Khosla's case, stating that he had to go through the commission's permit process or enforcement proceedings before he could resort to a lawsuit.

The latest case began when Surfrider sued Khosla on the grounds that he failed to apply for the development permit required to change public access to the coastline. A local court sided with Surfrider and a state appeals court upheld that decision, ordering Khosla to unlock the gate while the dispute continues. Khosla appealed again to the state Supreme Court, which declined to hear the case.

Since then, the gate has been open during daylight hours. An attendant operates a small parking lot, guiding visitors down a winding ramp to a secluded crescent-shaped stretch of sand and bluffs.





Unwilling to back down, Khosla earlier this year appealed to the U.S. Supreme Court. His argument not only challenged the constitutionality of the Coastal Act — if taken up by the nation's highest court, it would have put into question long-established land-use procedures and any state's power to regulate development anywhere, experts said.

In his petition, Khosla's legal team described California's coastal policies as “Orwellian” and made the case that private property should not be taken for public use without just compensation: “the Coastal Act cannot constitutionally be applied to compel uncompensated physical invasions of private property.”

His chances were slim — of the thousands of appeals filed each year, only about 100 are granted review. But he hired a seasoned Supreme Court lawyer with a record of overcoming the odds and presenting arguments before the nation's top justices. And with conservative interpretations of property rights gaining prominence and President Trump's appointment of Justice Neil M. Gorsuch — and possibly another conservative appointment on the way — legal experts had said that having the right lawyer and a well-crafted argument could have been enough to capture the attention of the justices.

Briefs supporting Khosla — filed by a number of property interests groups, including the Pacific Legal Foundation and the Institute for Justice — laid out the key conservative arguments that would have been scrutinized by the highest court.

The California Assn. of Realtors and National Assn. of Realtors, urging the Supreme Court to take the case, said they were concerned that “this violation of the Takings Clause will encourage the California Coastal Commission to impose similar unconstitutional controls over the large number of properties located along the California coast, and will also encourage similar restrictions on landowners by other government agencies throughout the United States.”

The California Business Properties Assn. added that if Khosla lost, the decision would have “significant consequences for commercial real estate.”

“The right to exclude is a fundamental premise that underlies private ownership and affects every owner's ability to control their properties in fundamental ways,” the group wrote in an amicus brief.

While the clash between property rights and beach access is highly politicized, the legal issue at hand is relatively narrow — and it clearly did not capture the attention of the justices, said Richard Frank, director of the California Environmental Law and Policy Center at UC Davis. “It only requires four votes, so if the conservative wing of the Supreme Court had voted as a block, their four votes would've been enough.”

The decision, Frank said, will not bring an end to fights over beach access in the state.

“It's a zero-sum game: The more you protect private property rights, the more public access is constrained or challenged,” he said. “And the opposite is equally true.”

In the statement Monday, Khosla's legal team said they will comply with the state courts and now begin the permit process.

“No business owner should be forced to obtain a permit from the government to shut down a private business, to change prices from those that existed in 1972 (as the state has demanded), or to change hours of operation,” the statement said. “However, we will comply with the decision of the California Court of Appeal and apply for the required permit. If denied, we will start this process over again.”

The Coastal Commission, not an official party to the Surfrider suit, said it is considering how to proceed and hopes that Khosla “will work with us to assure that the historical public access to Martin's Beach remains available for present and future generations.”

The state has also created an account that can be used to gather donations to appraise, acquire and maintain a public access way at the beach. The State Lands Commission has suggested a public route operated like a park — with daily dawn-to-dusk hours of operation, trash bins and portable toilets. How exactly the commission would acquire this land is still being determined.

Surfrider, which celebrated at Martins Beach on Monday with coastal officials, state legislators and local surfers, said it will continue fighting for beach access.

“The Surfrider Foundation fights to preserve the rights of the many from becoming the assets of the few,” said Angela Howe, the organization's legal director. “We are protecting everyone's right to visit, enjoy and protect the beach, regardless of race, socioeconomic class or residential location.”

Eric Buescher, one of Surfrider's attorneys, said that the Supreme Court's action Monday speaks volumes to California's coastal access law.

“This lawsuit began as a modest claim that the Coastal Act's permit requirements apply to everyone. It grew into a fight over the future of public access along over 1,100 miles of coast in this state,” he said. “We're grateful the California Coastal Act's promise that the beach cannot be bought, but instead belongs to the public, has survived a billionaire's whims, which risked gutting the statute's protections.”





# Los Angeles Times

## Supreme Court deals final blow to lead paint manufacturers' years-long effort to avoid cleanup costs

October 15, 2018



Sure, I'm irritated, but more than that, I'm baffled. Aside from the kids that are poisoned (and we still don't know how many there are), it's a serious problem from the viewpoint of adverse publicity. The basic solution is to get rid of our slums, but even Uncle Sam can't seem to swing that one. Next in importance is to educate the parents, but most of the cases are in Negro and Puerto Rican families, and how does one tackle that job?

Where a published article or statement falsely describes an alleged lead hazard, I can come back at the author, and I do. But where, as in this case, the story is mainly factual and the author is a reputable physician, about all I can do is write him, expressing understanding of his educational purpose and calling attention to whatever I wish he had said otherwise, and that I have already done in the present instance.

With the public health officials, local, state and national, I been at some pains to cultivate their good will and get them into a receptive frame of mind

Lead lobbyist Malcolm Bowditch attributed the lead poisoning problem in 1956 to uneducated families.

By MICHAEL HILTZIK

The lead paint industry's efforts to avoid a cleanup bill for more than \$400 million has reached the end of the road.

The U.S. Supreme Court on Monday refused to review California state court rulings finding Sherwin-Williams, Conagra and NL Industries responsible for lead paint contamination in thousands of homes built before 1951. That date is when the companies said their predecessor firms ceased actively advertising lead-based paint as a residential product.

The court's action closes a key chapter in an 18-year legal battle waged by 10 California cities and counties, including Los Angeles County and the city of San Diego. Their lawsuit, originally filed in state court in Santa Clara in 2000, asserted the residual lead in old homes was contributing to severe health problems in children exposed to the paint. "It's at the top of our list of environmental threats," Jeffrey Gunzenhauser, the interim health officer and medical director for Los Angeles County, told me last year.

Although the rate of lead poisoning has come down sharply in recent years, more than 2,000 children still test positive for lead in their bloodstream each year in L.A. County. The actual number is almost certainly higher because children aren't routinely screened for lead unless they're seen by a pediatrician. Nationwide, the Centers for Disease Control and Prevention estimates that more than 4 million American households have children exposed to high levels of lead.

In 2014, Judge James P. Kleinberg held the three companies liable for the cost of inspecting more than 3.5 million California homes and apartments and removing or abating residual lead hazards. That means painting over deteriorating surfaces and removing lead chips and dust, especially in units housing children.

Kleinberg assessed the companies \$1.15 billion, with most of the money, \$632.5 million, designated for Los Angeles County, where the vast majority of suspect units are located.

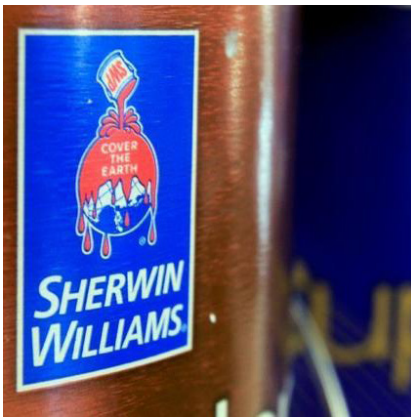
In November 2017, a California appeals court narrowed the abatement program to homes built before 1951, when the paint companies said they ceased actively advertising residential lead-based paint. The companies were ordered to contribute to an abatement fund of \$409 million.

**“We are delighted that the Supreme Court did the right thing. The message is clear: We have to move this fund ahead to remove lead that is still poisoning children.”**

**- NANCIE E. NISHIMURA, ATTORNEY FOR COMMUNITIES SUING PAINT COMPANIES**

A spokesperson for Conagra and Sherwin-Williams called the California decision “an outlier ... at odds with courts across the country which have correctly held that companies should not be held retroactively liable for lawful conduct and truthful commercial speech decades after they took place.” The companies observed that “the Supreme Court reviews very few cases.”

The material effect on the companies is uncertain, but is not likely to be large. Sherwin Williams recorded a profit of \$1.8 billion on \$15 billion in revenue in 2017, Conagra earned \$808 million on revenue of \$7.9 billion, and NL recorded a loss of \$23 million on sales of \$109 million.



One major concern raised by business lobbies that filed friend-of-the-court briefs with the Supreme Court was the California judiciary’s novel application of “public nuisance” doctrine to find the paint companies responsible.

The doctrine is typically applied to combat ongoing activities, such as a homeowner operating a crack house or a factory with noxious emissions, “not to something that happened decades ago,” Sean Hecht, an environmental law expert at the UCLA Law School, told me last year.

Business groups are alarmed that the new notion of a public nuisance could “impose massive retroactive liability against American businesses for decades-old conduct that was lawful when it occurred,” according to a brief the U.S. Chamber of Commerce filed with the high court. That could make companies liable for the effects of climate change or environmental pollution, among other problems.

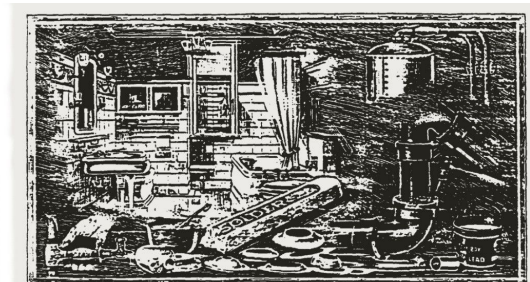
After the California appeals court ruled against them, the lead paint companies tried the end run of promoting a ballot initiative that would absolve them of liability and create a \$2-billion bond-financed fund to abate the lead problems. They disingenuously labeled their measure the Healthy Homes and Schools Act of 2018, but Atty. Gen. Xavier Becerra put the kibosh on that subterfuge by issuing his own title and summary for the initiative, redefining it as a measure that “eliminates certain liability for lead-paint manufacturers.” A few months later, the companies withdrew the initiative.

The basis of the California lawsuit was that the defendant companies’ predecessors understood the health hazard of lead paint but nevertheless energetically promoted its use as a key to improving the durability and water-resistance of house paint. The dangers of lead had been known “since antiquity,” Judge Kleinberg observed, and as early as the 19th century manufacturers were taking steps to warn their own workers against breathing lead dust on the factory floor.

Articles warning about children’s propensity to gnaw on painted surfaces and become poisoned with lead were common in medical journals by the 1920s: “A child lives in a lead world,” advised a 1924 paper. By the 1930s, parents were warned to avoid using lead-based decorative materials in children’s nurseries and bedrooms.

Yet the industry kept advertising residential lead paint — “Lead helps to guard your health,” declared a 1923 magazine ad for Dutch Boy lead paint placed by National Lead Co., the precursor to NL Industries. “Property owners ... are using white-lead paint to prolong the lives of their houses.”

The Supreme Court’s decision returns the case to the Superior Court in California, where the plaintiff communities will move to have a receiver appointed to oversee the \$409-million fund.



### **Lead helps to guard your health**

**YOU** wouldn't live today in a house without an adequate plumbing system. For without modern plumbing, sickness might endanger your life. Lead concealed in the walls and under the floors of many modern buildings helps to give the best sanitation.

**Lead pipe centuries old**

Lead, therefore, is contributing to the health, comfort, and convenience of people today as it did when Rome was a center of civilization. Lead water and drainage pipes more than 1800 years old

portant ingredients in making the glossy white enamel covering the iron bodies of tub and basin and the glazed tile walls.

**Lead in paint**

While lead is invaluable in assuring comfort and proper sanitation, its best-known and most widespread use is as white-lead in paint. Such materials as wood would soon deteriorate unless protected with paint. And the paints that give the most thorough protection against the weather are based on white-lead.



# USF LAWYER

UNIVERSITY OF SAN FRANCISCO SCHOOL OF LAW • FALL 2018

GIVING

## PAYING IT FORWARD

*Grateful for the opportunity he had,  
Frank Pitre BS '77, JD '81 returns the favor*

When a PG&E gas pipeline exploded in a San Bruno neighborhood on Sept. 9, 2010, eight people lost their lives and a neighborhood was destroyed. Frank Pitre BS '77, JD '81, a lauded trial lawyer who focuses on personal injury, wrongful death, consumer fraud, and commercial torts, was horrified to see the neighborhood where he went to high school decimated.

"These were families I went to school with, and their lives were turned upside down," he said. "I saw it was one of those opportunities to give back to the community in which you were raised."

He took a lead role representing 57 San Bruno families in cases against PG&E, and that began a larger battle against the company — he has since represented families affected by the 2015 Butte wildfire in Calaveras County and the 2017 North Bay fires.

"I felt like I needed to teach this company a lesson because I am exhausted from consoling people because of PG&E's reckless indifference to safety," Pitre said. "I don't intend to rest until we've finally gotten PG&E to understand they need to completely revamp their safety culture and really place safety first."

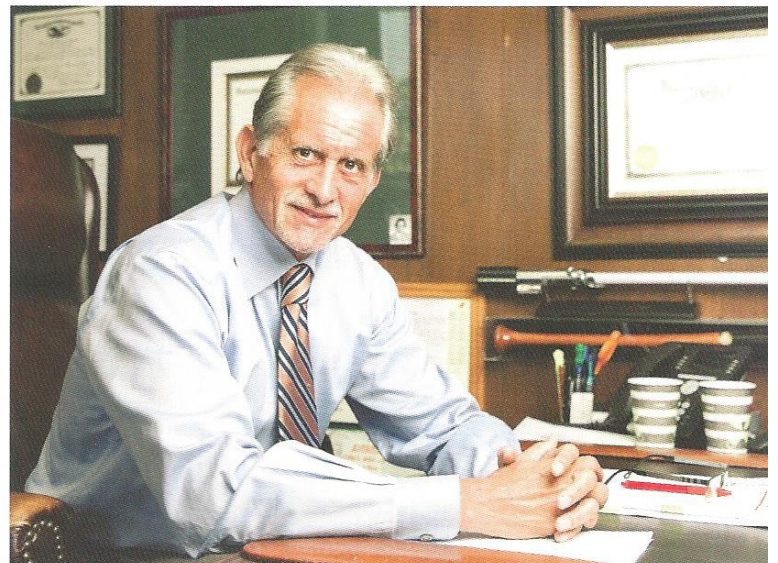
Consumer Attorneys of California named him Consumer Attorney of the Year in 2013 for his efforts against PG&E. In 2009, he was on the *National Law Journal's* Plaintiff's Hot List for a case that culminated in Pfizer agreeing to pay \$894 million to settle consolidated injury and class action cases related to its painkillers Celebrex and Bextra. He also successfully pursued litigation related to the diet pill Fen-Phen, the crash of an Asiana Airlines flight at San Francisco International Airport, and Toyota vehicles.

This spring, Consumer Watchdog presented the Lifetime Legal Achievement Award to Pitre. "It's premature, I'm not done yet! I'm 63 and I've got a heck of a lot more to do," he said.

He says he doesn't take on these cases for the awards, he does it "for the passion. At the end of the day, it's about having someone thank you for giving them renewed life after they've been impacted by a catastrophic event."

Pitre credits his years at USF with expanding his horizons and broadening his vision. "My awakening happened at USF in undergrad and it continued at the law school. The great thing about USF School of Law is that you not only get a top-quality education, you get experience in the actual practice of law — how to become a good lawyer and advocate."

He remembers influential trial practice professors like Dolores Donovan, Suzanne Mounts, and Hon. Ira Brown. "Those practical courses



taught me how to shape an argument, examine and cross-examine a witness, argue a motion in court, give an opening statement and a closing argument. When I got out, I had the confidence that I could do trials."

He then began considering how to give back. "I don't mean just giving back financially, but in terms of reaching out to young students," he said. As an alumnus, he began going to many events with USF law students and young alumni.

"It's really a joy for me to listen to the young lawyers and their dreams, to provide them with what I hope is good advice for how to follow their desired career path."

This year, Pitre generously supported scholarships at USF School of Law. "USF took a gamble on me," he said. "These scholarship students will make wonderful lawyers because they know hard work and financial challenges. *If you just give them a little boost in relieving some of that debt, you've created an opportunity for someone to become an advocate and a voice for someone else — just like I did.*"

He structured his gift in an unusual way, splitting the gift between funds that can be used immediately and endowed scholarships. He said it's illustrative of how much trust he has in the school, especially the dean and leadership.

"I want to give them the flexibility they need to best utilize any contribution I can provide, so they can follow through on their vision," Pitre said. ■



# THE DAILY JOURNAL

The Peninsula's home page

October 22, 2018

## Who was the Martin in Martins Beach?

By Jim Clifford



Nicholas Martin

The Rear View Mirror plowed through the extensive news coverage of the current court fight between beach owner Vinod Khosla and the Surfrider Foundation and failed to find an answer. After digging up old news stories from long defunct newspapers, we discovered he was Nicholas Martin, who died in 1915 and is buried in Union Cemetery in Redwood City.

According to cemetery records, Martin came to California from New York in the early 1850s and settled on the coast south of Half Moon Bay. In addition to owning the beach, his primary source of income was farming. Apparently, he was very successful because he became deeply involved in the construction of "Gordon's Chute," a huge wooden slide designed to move cargo from high coastal cliffs to waiting ships below, providing one of the more colorful chapters of coastal history.

Named for lumberman Alexander Gordon, the 45 percent angled chute built in 1872 was destroyed in a storm in 1885. The chute was used by farmers on the coast, who could now ship their produce to market without having to drive heavy wagons over the coastal mountains to Redwood City or San Mateo.

The Redwood City Democrat reported on the chute in its July 12, 1873 edition: "The steamer Monterey was at the chute lately and took aboard the balance of grain on hand, some 5,000 sacks. Templeton and Company are hauling considerable lumber to the chute and will have a sailing vessel to load as soon as they have sufficient cargo."

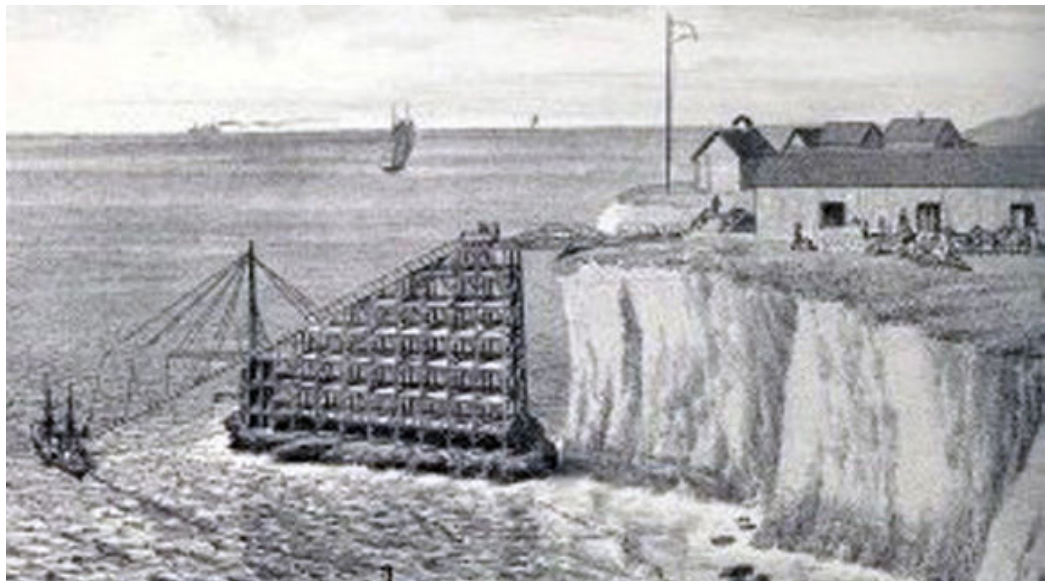
According to historian Frank Stanger's "History of San Mateo County," the chute at the mouth of Tunitas Creek "was the most daring attempt to create a port on our coast side." He said a high scaffolding was built to support a chute 350 feet long.

"At the outer end a swinging portion of the chute was supported by a derrick and could be lowered to the decks of vessels which anchored just beyond the surf," Stanger wrote. "On top of the bluff, over 150 feet above the sea, were large warehouses from which sacks of grain and other produce were slid down the chute to the vessels below."

In 1928, Roy Cloud wrote in his "History of San Mateo County" that Martin "constantly increased his holdings and was the owner of Martin's Beach," which was originally part of the Alviso land grant. Notice the apostrophe to show ownership. Most of today's news stories about the court dispute drop the apostrophe in favor of Martins Beach.

An advertisement in the 1931 Standard Democrat newspaper made the name designation clear by saying "The Sun is Shining at Martin's Beach," adding that the public was welcome and offered "special rates to weekly vacationists (sic). Make your reservations now. Cabins, fishing, bathing."

Martin and his wife Emma were parents of five daughters, among them Alice who married coastal constable and future sheriff Joel Mansfield in 1884, resulting in this unusual wedding announcement in the San Mateo Times-Gazette: "Miss Alice Martin, the amiable daughter of Nicholas Martin of Lobitos, was arrested by constable Joel Mansfield and brought before Justice John Pitcher on a charge of living a single life. On Constable Mansfield promising to protect the young lady through the world and care for her in the future, they were married by the justice."



Gordon's Chute