

ADVOCATES FOR JUSTICE

San Francisco Bay Area • Los Angeles Area • New York



Frank Pitre Named to Committee to Lead Nationwide Class Litigation Against Volkswagen for Emission Scandal

U.S. District Court Judge Charles Breyer in San Francisco, who was selected to oversee nationwide lawsuits against the German Automaker Volkswagen, appointed **Frank Pitre** of **CPM** to a committee of the top lawyers in the country to prosecute Nationwide Class Action Litigation for Losses suffered by consumers who unwittingly purchased certain models of Volkswagen, Audi and Porsche vehicles that the manufacturer equipped with devices designed to circumvent emissions standards. CPM represents two **Stanford** professors who brought one of the first suits. Pitre has been named one of the leading trial lawyers in the country.



Steve Williams Appointed Co-Lead Counsel in Washington, D.C. for Domestic Airline Travel Price-Fixing of Tickets

The District Court in Washington, D.C. appointed CPM's **Steve Williams** as one of two lawyers to lead the Multidistrict Litigation against numerous domestic airlines for alleged price-fixing of fares in the United States. The case alleges certain airlines have illegally colluded to fix and raise the price of domestic air passenger transportation across the nation.



Phil Gregory Argues Landmark Constitutional Climate Change Case Representing the CHILDREN'S TRUST in Oregon

Pete McCloskey - Partner, Former Congressman and War Hero - Honored by The National Audubon Society for Environmental Leadership



Pete N. McCloskey, Jr. was honored with the prestigious **Lufkin Prize for Environmental Leadership** by the **National Audubon Society** in New York. He led environmental laws such as the **Endangered Species Act**. Pete handles major environmental cases with dedicated young CPM associates. A Stanford Law graduate, he is a recipient of the Navy Cross, Silver Star and two Purple Hearts for serving as a U.S. Marine Officer in Korea. He is one of the country's great trial lawyers and continues to lead from the front on the environment. In 1970, he served as the Co-Chair of the first **Earth Day** that launched the environmental movement. McCloskey leads the charge on climate change, oil drilling and pollution cases at CPM. **SEMPER FI.**

Gong Xi Fa Cai



Year
of the
Monkey
2016

Happy Lunar New Year



CPM AIR

MAJOR RECENT FILINGS

California Indian Tribes Take Caltrans to Court For Knowingly Destroying Historic Preservation Sites in Northern California

CPM represents the Coyote Valley Band of Pomo Indians and the Round Valley Indian Tribes in a federal lawsuit against the California Department of Transportation, the Federal Department of Transportation and the Federal Highway Administration for failing to properly identify, avoid, and protect over 30 ancestral village sites in the Caltrans Willits Bypass Project. This lawsuit will establish an important state-wide precedent to challenge Caltrans' unilateral authority to determine how ancestral Native American cultural sites will be deemed worthy of protection without taking into consideration the concerns of the lineal descendants of the Tribe that historically created such sites. CPM's **Phil Gregory**, **Camilo Artiga-Purcell** and **Pete McCloskey** are handling the case.



In Los Angeles CPM Files Suit Against San Juan Capistrano for Illegally Collecting Millions in False Water Charges from Residents

CPM filed suit in January 2016 against the City of San Juan Capistrano for its attempt to keep millions of dollars in illegally collected water charges. In 2015, the city's tiered water rates were deemed to violate Proposition 218, which requires that government fees match the actual costs incurred in providing services. Instead of refunding the city's water customers the full amount of the illegally collected money, the city offered a refund of less than 25%. CPM's suit seeks a **full refund** for the amounts charged by the City to all of the rate payers and to hold the city accountable for its unconstitutional conduct. This case is being handled by **Niall McCarthy** and **Eric Buescher**.

Restoring Public Access to Martin's Beach - Constitutional Challenge - To Protect the California Coast

CPM's litigation on behalf of the public and Surfrider Foundation to restore public access to Martin's Beach and to enforce the California Coastal Act is on appeal. CPM is urging the Court of Appeal to uphold the trial court's decision to enforce beach access. CPM continues to work to stop efforts to restrict public access to public beaches all over California. This case is being handled by **Joe Cotchett**, **Eric Buescher**, **Pete McCloskey** and many dedicated law clerks.



CPM Files Suit to Fight Eviction for 97 Year Old



CPM's **Nanci Nishimura** and **Nancy Fineman** filed a lawsuit on behalf of 97 year old Marie Hatch to protect her legal right to stay in the house where she has lived for over 60 years. She was promised she could live in the house for life based

upon a contract but instead eviction proceedings were started against Hatch. Word of her eviction along with her roommate of 32 years, Georgia Rothrock from their cottage in Burlingame has galvanized community support with offers of help from around the world. Unfortunately, Hatch passed away on March 3, 2016. The case was covered world-wide and represents the tip of the iceberg in gentrification evictions as a form of elder abuse. CPM will continue pursuing a lawsuit for elder abuse.

CPM Represents Investors and Files Suit Against Alibaba Following One of the Largest Initial Public Stock Offerings in the U.S. by a Foreign Company



Alibaba is China's biggest and most popular online commerce company for online shopping. Alibaba's United States headquarters are located

in San Mateo, California. In September 2014, Alibaba launched a \$25 billion initial public offering in the United States, the largest in history. A class action suit filed by CPM on behalf of Alibaba shareholders alleges that Alibaba, and its founder Jack Ma, failed to tell investors of illegal business practices that were taking place on its online platform. As alleged, Alibaba was warned just two months before its U.S. IPO by Chinese officials that its platform was being used for illegal conduct, including the sale of counterfeit goods, and that its vendors were faking transactions to make sales appear higher. The well-publicized stock that initially showed great promise – trading at nearly \$120 per share – later plummeted 50 percent nearly a year later and fell below its IPO at \$68. CPM's **Mark Molumphy** and **Alexandra Summer** serve as co-lead counsel in the class action.

FALSE CLAIMS & ELDER ABUSE UPDATES



Whistleblower Case Against British Petroleum on Behalf of California Cities and Counties

Natural gas experts have been retained in the case against BP (formerly British Petroleum), and depositions are ongoing in Houston and Sacramento. **California Attorney General Kamala Harris's** office joined the case and accuses the oil company of overcharging millions of dollars to California cities, counties, universities, and government agencies on natural gas purchases over the past decade. CPM's **Niall McCarthy, Justin Berger** and **Emanuel Townsend** are leading the case with co-counsel Jeff Steidley of Houston.

Whistleblower Case Against Walgreens Pharmacy Set for Trial

Trial has been set for October 2016 in a qui tam case CPM has brought on behalf of whistleblower Michael Irwin, against the Walgreens chain of pharmacies. The case alleges that Walgreens mailed unnecessary prescription medications to patients without their consent or request, and billed the Medicare and Medi-Cal programs for those prescriptions. The case also alleges that Walgreens billed Medicare and Medi-Cal for prescription medications that were never dispensed. **Justin Berger** and **Eric Buescher** are handling the case for CPM, along with co-counsel, Gregory Brod.

Department of Education Shuts Down For-Profit College In CPM Whistleblower Case

In February, the United States Department of Education ("DOE") announced that it was cutting off federal funding to Marinello Schools of Beauty, a chain of for-profit cosmetology schools, based on allegations also asserted in a whistleblower case being handled by CPM and the Skapik Law Group. As a result, the schools have shut their doors. The case against B&H Education Inc., d/b/a Marinello Schools of Beauty, and four of its executives, alleges a multi-hundred-million dollar fraud on U.S. taxpayers through a chain of for-profit beauty schools funded through federal student financial aid programs. The case is set for trial in July 2016. **Justin Berger** and **Emanuel Townsend** are leading the case for CPM.

Court of Appeals Unanimously Upholds Elder Abuse Jury Verdict



CPM attorneys **Niall McCarthy, Anne Marie Murphy** and **Eric Buescher** won a unanimous jury verdict in an elder abuse case on behalf of the family of a long-time San Francisco resident. The Court of Appeal upheld that verdict in its entirety, based on CPM's use of various different laws designed to protect seniors to prove undue influence in a variety of ways, including laws preventing caregivers from abusing their positions of authority and dependence to coerce senior citizens into "giving" them their property and estates. In March, the decision was a victory for the family.

Costco Taken to Court for Knowingly Selling Slave Labor Shrimp to Unsuspecting Californians



CPM is prosecuting a class action against Costco and CP Foods for knowingly selling farmed prawns from a supply chain that is tainted by slave labor and other human rights abuses. According to the complaint, both companies have turned a blind eye to the use of slave labor in the Southeast Asian fisheries where fishing with 'ghost ships' (undocumented vessels) is prevalent. Also prevalent is the kidnapping of workers who are then sold into debt bondage to work on fishing vessels for months or years at a time. The human rights abuses at issue in CPM's case have been the subject of global headlines and investigative reporting as well as recent criminal indictments in a similar case. This case is being handled by **Niall McCarthy** and **Anne Marie Murphy**.



Niall McCarthy



Justin Berger



Anne Marie Murphy



Eric Buescher



Emanuel Townsend



Darren Kelley

MASS INJURIES UPDATES

Massive Gas Leak at Southern California Gas Company's Storage Facility Near Porter Ranch Threatens Residents and Property Values



CPM and Kabateck, Brown & Kerner represent over 300 residents in the Porter Ranch area of Southern California who are suffering various ill health effects as well as potentially severe loss of home values as a result of one of the most massive man-made environmental disasters since the BP oil Spill in the Gulf of Mexico. Southern California Gas Company acknowledged the leak in late October of 2015 although evidence exists that the company knew the storage well was leaking years before. The leak spewed Methane, Mercaptan, Benzene and other potentially toxic gases. **Joe Cotchett**, **Frank Pitre**, **Robert Hutchinson** and **Julie Fieber** are representing residents and their families who suffer from difficulty with breathing, dizziness, nose bleeds and nausea. The long-term consequences are unknown and many residents are reluctant to move back into their homes even though the Gas Company has declared the area to be safe.

Fake Spinal Implant Cases Move Ahead With New Criminal Indictments and Discovery in the Civil Cases - Many Los Angeles Doctors Indicted

CPM continues to pursue claims against a group of hospitals and doctors who conspired to pay and accept illegal kickbacks for bringing spinal surgery patients to designated hospitals. CPM represents over 200 victims of the scheme, developed by the hospital defendants to pay illegal kickbacks to doctors to increase the hospitals' patient traffic. To fund the illegal scheme the hospitals artificially inflated the cost of spinal implantable hardware which they then billed to worker's compensation carriers. Michael Drobot, owner of Pacific Hospital of Long Beach, admitted in a plea agreement with the United States to overbilling more than \$500 Million over an 8 year period. As part of the conspiracy, a supplier of spinal hardware recruited a machine shop in Temecula, California, to produce counterfeit medical hardware which did not meet FDA standards. As a result, thousands of patients received defective, adulterated hardware causing many to suffer severe health problems. CPM is also pursuing False Claims cases on behalf of the State of California and private insurance companies to recover the hundreds of millions of dollars paid out on false and artificially inflated invoices for the hardware. The cases are being handled by **Joe Cotchett**, **Frank Pitre**, **Robert Hutchinson** and **Alison Cordova**.



Frank Pitre



Robert Hutchinson



Alison Cordova

Victory for Asiana Flight Victims Represented by CPM



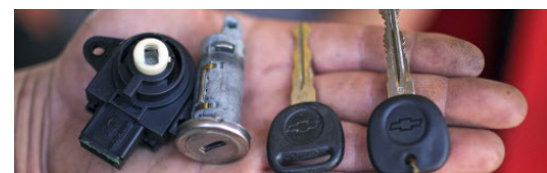
On July 6, 2013, a Boeing 777 operated by Asiana Airlines crashed on the runway at San Francisco International Airport. CPM represented 14 of the passengers injured during the crash and **Frank Pitre** was named as the Plaintiffs' liaison counsel. After two and a half years of litigation, all of the claims brought by our clients were successfully resolved through the hard work of **Alison Cordova**, **Stewart Pollock**, and **Ryan Manuel**.

PG&E Under Fire Again for Failure to Maintain Employee Safety in San Francisco



In March, CPM filed a lawsuit against PG&E and Central Moloney, Inc. for injuries suffered by individuals who were injured when an electrical transformer located in a subterranean vault exploded due to poor maintenance, repair practices, and design. This is the latest in a long string of incidents involving PG&E's egregious failure to maintain its energy transmission systems in a safe manner. CPM attorneys **Frank Pitre** and **Stewart Pollock** are leading the case.

Status of GM Ignition Switch Litigation



In March, the second bellwether trial started in the GM Ignition Switch Litigation in New York Federal District Court. The third bellwether trial for the wrongful death of James Yingling, is scheduled to start in May. The new GM - now out of bankruptcy - filed a Motion to Dismiss Claims of Certain Economic Loss Plaintiffs. Attorneys **Frank Pitre**, **Stewart Pollock** and **Alison Cordova** are handling the case for CPM along with co-counsel around the U.S.



Julie Fieber



Stewart Pollock

HONORS FOR CPM

CPM announces two new partners



ROBERT B. HUTCHINSON

Graduate of the **University of Illinois** with a Bachelor of Science degree in Business Administration and 1969 Juris Doctor from the **University of California, Hastings College of the Law**. Hutchinson specializes in Consumer Protection Litigation, Defective Products, Mass Torts, Personal Injury & Wrongful Death, Securities, Financial Fraud. Hutchinson heads up the Los Angeles office at CPM.



ADAM J. ZAPALA

Graduate of **Stanford University** with a Bachelor of Arts in American Studies and 2006 Juris Doctor from the **University of California, Hastings College of the Law**. He specializes in Antitrust, Employment/Civil Rights Litigation, False Claims Litigation, Consumer Protection and Class Actions. Zapala played professional soccer before law school.

Nancy Fineman Receives George R. Corey Trial Lawyer of the Year Award



Chief Susan Manheimer, Hon. Barbara Mallach and Nancy Fineman

Nancy Fineman received the George R. Corey **Trial Lawyer of the Year Award** by the San Mateo County Trial Lawyers Association. Other honorees included **Hon. Barbara J. Mallach** - Superior Court of San Mateo (Judge of the Year) and **Chief Susan E. Manheimer** - Chief of Police of San Mateo (Peace Officer of the Year).

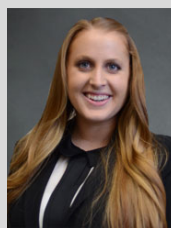
Frank Pitre Named President of the San Francisco Chapter of American Board of Trial Advocates



Federal Judge Susan Illston swears in new officers of ABOTA

Frank Pitre was named President of the San Francisco Chapter of the **American Board of Trial Advocates**. ABOTA is committed to preserving the right to trial by jury, working with the judiciary to ensure public access to our civil justice system and promoting advocacy with dignity, courtesy and integrity. Admission to ABOTA is by nomination and election, based on demonstrated jury trial experience, skilled advocacy, integrity and professionalism. **Joe Cotchett** has been in ABOTA and is a **Diplomat** of the Bar for the past 30 years.

CPM WELCOMES NEW ASSOCIATES



STEPHANIE D. BIEHL

- Notre Dame de Namur University, B.S. and B.A.
- University of California, Hastings College of the Law, J.D.
- Civil Litigation, Business Fraud



BRIAN DANITZ

- New York University, Tisch School of the Arts, B.A.
- New York University, M.P.S.
- Fordham University School of Law, J.D.
- Complex Commercial Litigation, Securities, Financial Fraud, Antitrust



JULIE L. FIEBER

- University of California, Santa Barbara, B.S.
- University of San Francisco, J.D.
- Complex Commercial Litigation, Securities, Financial Fraud, Antitrust, Mass Torts, Environmental



TORIANA S. HOLMES

- Santa Clara University, B.S.
- Golden Gate University School of Law, J.D.
- Complex Commercial Litigation, Securities, Financial Fraud, Antitrust



ALEXANDRA P. SUMMER

- Harvard College, Cambridge, MA. A.B.
- Columbia University School of Law, J.D.
- Securities, Financial Fraud, Shareholder Rights, Corporate Governance Matters, Business and Consumer Class Actions



EMANUEL B. TOWNSEND

- University of California, Santa Cruz, B.A.
- University of California, Hastings College of the Law, J.D.
- False Claims Act Litigation, Consumer Protection, Financial Elder Abuse, Complex Civil Litigation, Employment Law



Buescher Named Top 40 Under 40 by the National Trial Lawyers

CPM attorney **Eric Buescher** was selected to the National Trial Lawyers Top 40 Under 40. The association recognizes young trial attorneys from each state who exemplify superior qualifications, trial results, and leadership.

大展鴻圖 | 客似雲來

COMMUNITY ACTIVITIES

CPM Supports the Asian Art Museum - Nishimura Co-Chair of Gala -



Cotchett, Nishimura, Anita Lee & Mayor Ed Lee

Nanci Nishimura co-chaired and with **Joe Cotchett** co-sponsored the 50th anniversary celebration of the **Asian Art Museum** in San Francisco. The gala raised more than \$2.0 million for educational programs involving Asian art and culture. The City's collection of more than 18,000 artworks is the most significant representation of Asian art and culture in the Western Hemisphere.

CPM Attorneys Provide Legal Help to Guatemalan and Salvadoran Children



CPM's **Camilo Artiga-Purcell**, **Stewart Pollock**, and **Emanuel Townsend** represent unaccompanied minors from Guatemala and El Salvador on a pro bono basis. These minors were detained by immigration officials at the U.S. -

Mexico border, hoping to join their parents or escape gangs. Townsend recently took on representation of an unaccompanied minor from Guatemala who was the victim of assault, and now seeks refuge in the United States. CPM participates in many programs that involve this serious human rights issue.

Nishimura Participates in the Leaders Forum to Advance Asian American Pacific Islanders



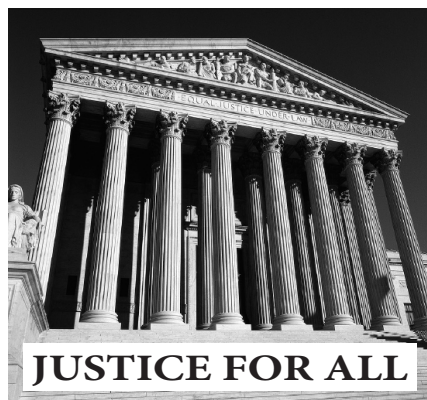
Nanci Nishimura joined other co-founders in San Francisco to launch the **Leaders Forum**, a non-partisan consortium of thought leaders in business, government, law, technology, media and education, whose mission is to identify and promote **Asian American Pacific Islander** leadership in government and business. The group meets regularly in Washington as part of the White House Initiative on Asian American Pacific Islanders.

CPM Volunteers at Local Food Banks for Families Faced with Economic Distress



CPM is a proud volunteer of the Second Harvest Food Bank. Second Harvest Food Bank of **Santa Clara** and **San Mateo** Counties is the trusted leader dedicated to ending local hunger. CPM lawyers, paralegals, clerks and secretaries volunteered to sort, inspect and bag food for families faced with economic distress.

COTCHETT, PITRE & MCCARTHY, LLP
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"You learn something out of everything, and you come to realize more than ever that we're all here for a certain space of time, and then it's going to be over, and you better make this count."

- Nancy Reagan

SPOTLIGHT: CPM CASE ADMINISTRATORS



Ryan Manuel is a Case Administrator in Mass Tort and Injury cases as well as a trial technical lead for and coordination of trial preparation and e-discovery. Ryan has been a liaison for CPM and Asian American Bar Association's community service events for the past several years. He also serves as a committee member for Advancing Justice - Asian Law Caucus' annual dinner that raises funds for ALC to continue to direct legal services, community education, advocacy and litigation, and grassroots organizing. Ryan has also coordinated community service events benefiting the San Francisco and Marin County Food Bank and organized and coordinated a beautification project for a Jumpstart affiliated preschool as part of CPM's community service project. He will attend USF Law School in the Fall.



Ona Bacigalupi is a Case Administrator in the Securities and Consumer Fraud cases. She has been with the CPM family for 11 years. She is currently working on two large class actions matters, *In re Lenovo Adware Litigation* and the *In re Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation*. Besides working, Ona has volunteered her time with the Second Harvest Food Bank and Rebuilding Together. She also supports various organizations including the ASPCA, Peninsula Humane Society and Rocket Dog Rescue.



Jaclyn Verducci is the Case Administrator for Business Fraud cases, and has been with the CPM family for 10 years. She has been instrumental in the prosecution of complex antitrust cases, which have recovered more than a billion dollars for cartel victims. One of Jaclyn's strengths is managing massive electronic discovery platforms and running several large scale document reviews involving multi-district complex class action cases with millions of pages produced in foreign languages including Japanese, Chinese and Korean. Jaclyn received her B.A. in Political Science from Saint Mary's College of California and completed the ABA Certified Paralegal Certificate program.

Pouneh Almasi Volunteers for San Mateo Legal Aid Society



Pouneh Almasi, a UC Berkeley graduate and Case Administrator in Complex Litigation has transferred her skills learned at CPM to volunteer for the Legal Aid Society of San Mateo County to help residents of the Redwood Trailer Village. Residents faced eviction for Health & Safety Code violations because they did not hold legal title to their units and thus could not obtain permits to make needed repairs. Pouneh prepared a step-by-step guide and helped residents prepare title forms and solve problems. This was hands-on training for an aspiring attorney that helped many people in need.



Oni Strawn is the Case Administrator for the Toxic Torts cases. In addition to her time at CPM, Oni volunteers and supports various organizations in the Bay Area such as the San Francisco Public Library, Second Harvest Food Bank, SF-Marin Food Bank, and the Marine Mammal Center. For 3 years, Oni has volunteered at San Francisco Public Library's adult literacy program, Project Read - A free adult literacy program offered to any English-speaking adult with the desire to learn or improve his or her reading skills.



Darren Kelley Helps Out Troops and Local Children's Programs



Darren Kelley is a Case Administrator for the False Claims cases at CPM where he has been for almost 15 years. He served as an infantry paratrooper in the 82nd Airborne Division, and was deployed into combat operations in Panama in support of Operation Just Cause. Darren was deployed as a peacekeeper to Sinai, Egypt, the Multinational Force and Observers. He also headed up the firm's involvement with **Americans Serving Americans ("ASA")**. CPM provided support in the form of care packages and letters to units from the **101st Airborne and 82nd Airborne** deployed to Iraq and Afghanistan as part of Operation Enduring Freedom. Darren served as president of the board of directors for the **Mid-Peninsula Boys & Girls Club** from 2011-2014. He presently serves on the board of directors and sits on the executive committee for the **San Mateo Police Activities League (PAL)**. PAL's mission is to build a positive bond between cops and kids. In collaboration with our community partners, PAL strives to create a safe society while promoting the physical, social and mental development of our youth.



Laurie D'Elia is a Case Administrator for Business Fraud cases that involve some of the most complex document productions in the profession. Laurie has been with the CPM family for almost 10 years and was the Lead Paralegal in the Lead Paint Litigation. Her extensive complex litigation experience has provided her with an in-depth knowledge of ESI and e-discovery. She graduated from UC Berkeley with a degree in Anthropology and received a Masters from USF in Counseling from the School of Education. She supports various organizations including the American Himalayan Foundation, Community Gatepath, Peninsula Humane Society & SPCA and the Phoebe A. Hearst Museum of Anthropology.

CPM Participates in Bay Area Urban Debate League for Kids



CPM is participating in a fundraising "competition" to support a local non-profit organization called the **Bay Area Urban Debate League**. BAUDL is a youth mentoring organization that provides support to underserved Bay Area high schools and middle schools to develop debate programs. CPM attorney **Demetrius Lambrinos** has been a BAUDL board member since 2012. For more information visit <http://www.baudl.org/events/champions-of-diversity>.

Fracking Activities in San Joaquin Valley



CPM continues to file cases on behalf of farmers whose crops have been destroyed due to the release of waste products from fracking activities by oil companies. In the investigation of these issues, CPM has focused on the larger issue of the impact of how waste from fracking activities has impacted drinking water.

Back to Back Trials



In January, **Nancy Fineman** tried two major cases as **defense counsel** and won both of them for CPM's clients back to back. Few trial lawyers try two cases in a year - Fineman does it in one month! She was assisted by **Stewart Pollock** and paralegals **Laurie D'Elia** and **Peter Luc**.



Năm mới dồi dào sức khỏe và tấn tài tấn lộc!



Zapala Nominated for Pac-12 All-Century Soccer Team from Stanford



Adam Zapala, a CPM partner out of Stanford, has been nominated for the All-Century Soccer Team for the centennial year of the PAC-12 College Teams. Zapala played at Stanford from 1996-2000 then played for the Dallas team of the MLS League before attending UC Hastings Law School.

Litigation For Monster Against Beats Electronics Headed to Trial in Los Angeles



CPM's litigation on behalf of Monster, LLC and its CEO, Noel Lee, alleging fraud-based claims against Beats Electronics, HTC and others was transferred to Los Angeles County Superior Court. The jury is set for September 6, 2016. The Complaint states that, "after defendants improperly took control of the 'Beats By Dr. Dre' products, they severed all ties with Monster and Lee and then sold the Beats brand to Apple for \$3.2 billion as the defendants made millions and the Plaintiffs lost millions." Monster and Lee are represented by CPM's **Joe Cotchett**, **Phil Gregory**, **Nanci Nishimura** and **Brian Danitz**.

CPM's Commitment to Pro Bono Work



The Federal Court appointed **Joe Cotchett** and **Elizabeth Tran** as pro bono counsel for an inmate through the Federal Pro Bono Project. They represented a second-degree murderer who alleged a violation of civil rights under the Eighth Amendment, which confers basic rights to even the most chronic and hardened inmates and prohibits cruel and unusual punishment. The case was settled with the State of California two weeks before trial in Federal Court.

- In Memoriam -

Our Former Partner James L. Browning, Jr.

1933-2016

Jim served in the United States Air Force, attended UC Hastings College of the Law, was a Deputy District Attorney in San Mateo County, then United States Attorney for the Northern District of California and Judge of the Superior Court

Integrity, friendship and commitment to the rule of law.
Part of CPM's family.



Remembering Our Friend - Rudy



From 1973, CPM's Building Maintenance Engineer, **Rudy Loo**, kept our building in tip-top shape until he retired in 2006 and moved to Antioch, California. Rudy was a native of Cuba and came to the United States in 1970. He graduated from College of San Mateo and studied airframe and power plant aircrafts. Sadly, Rudy passed away on January 7, 2016. He is and always will be part of our CPM family.

CASE UPDATES



ANTITRUST & BUSINESS FRAUD

Capacitors Price-Fixing Litigation San Francisco



CPM is Lead Counsel and represents indirect purchasers of capacitors against defendants, the leading manufacturers of capacitors sold in the United States, for engaging in two massive and separate conspiracies to unlawfully inflate, fix, raise, maintain or artificially stabilize the prices of electrolytic and film capacitors. Defendants are located in the United States and abroad. This case has been heavily litigated through Motions to Dismiss and Motions for Summary Judgment. Indirect purchaser plaintiffs will file for class certification this year.

Freight Forwarders Price-Fixing Litigation New York



CPM is Co-Lead Counsel for a class of businesses and individuals that purchased shipping services from freight forwarders like DHL, UPS, Kuehne + Nagel and many others.

After several years of intensely fought litigation, CPM and co-counsel have reached settlements with many defendants that will result in a recovery for the Class of over \$350 million. That amount will grow as several defendants make additional payments under their settlement agreements.

Auto Parts Price-Fixing Litigation Detroit



This case involves a massive conspiracy to fix prices for component parts of cars. The complaint alleges that these increased prices are then passed on to consumers who purchase motor vehicles. The first settlements have been announced with defendants TRW, Yazaki, Nippon Seiki, Autoliv, Lear, Hitachi, and Panasonic. The Court has also upheld complaints in the Wire Harness, Fuel Senders, Heating Control Panel, and Bearings cases, and discovery is beginning. Thus far, at least 29 separate auto parts have been identified as being the subject of price-fixing by defendants. The United States Department of Justice has called this conspiracy the "biggest criminal antitrust investigation that we've ever encountered . . . with respect to the impact on U.S. businesses and consumers." **Steve Williams** leads his team in Detroit.

Ogaz v. The City of Milpitas – San Francisco

CPM represents the former City Attorney for the City of Milpitas in an important unlawful termination case. The complaint alleges that the City unlawfully retaliated against Mr. Ogaz for his participation in an investigation into potentially discriminatory and unethical conduct by Milpitas's City Manager.

Resistors Price-Fixing Litigation - San Jose

The Court appointed **CPM** as sole Lead Counsel on behalf of a plaintiff class of indirect purchasers of resistors purchased from defendants who allegedly conspired to unlawfully inflate, fix, raise, maintain or artificially stabilize prices. This case is pending in the Northern District of California before Judge Ronald M. Whyte, and is also being investigated by the Department of Justice. Indirect purchaser plaintiffs will file a Consolidated Complaint this year.

Transpacific Air Transportation Price-Fixing Litigation - San Francisco

CPM recently announced several settlements in this case, totaling approximately \$39 million. This case, pending in the United States District Court in San Francisco, involves a global conspiracy to increase the price charged to people traveling by air between the United States and Asia.

Archdiocese Employees Litigation – San Francisco

CPM has filed a class action complaint against the Archdiocese of San Francisco on behalf of its teachers, janitors and other employees for underpaying required health care contributions mandated by an innovative San Francisco ordinance, the Health Care Security Ordinance.

Foreign Antitrust Cases - Europe and Far East

CPM is reviewing several new antitrust cases coming out of the European Union and the Far East. CPM has been working on the legal aspects of these cases through London and Shanghai law firms.



Steve Williams



Adam Zapala



Demetrius Lambrinos



Elizabeth Tran



Alex Barnett



Joyce Chang



Jaclyn Verducci

CONSUMER, SECURITIES FRAUD AND ENVIRONMENTAL CASES



Joe Cotchett



Mark Molumphy



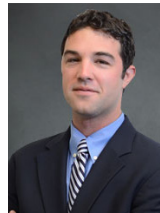
Nancy Fineman



Phil Gregory



Nanci Nishimura



Matthew Edling



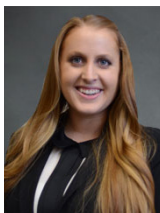
Brian Danitz



Alexandra Summer



Camilo Artiga-Purcell



Stephanie Biehl



Pete McCloskey



Toriana Holmes

Big Victory for California Cities and Counties in Municipal Bond Insurance Litigation Against Rating Agency and Bond Insurers

Nanci Nishimura and her team obtained a major victory in the Municipal Bond Insurance Litigation for California cities, counties and public agencies. The Court of Appeal revived antitrust claims by 26 public entities against bond insurance companies, in a case alleging the bond insurers colluded to require public entities to buy unnecessary insurance before issuing bonds to raise money for public projects. The Court of Appeal also affirmed that credit rating agency Standard & Poor's can be sued for unfair business practices and negligently misrepresenting the bond insurers' credit ratings relied on by public entities. When the bond insurers' credit ratings were downgraded -- depicted in the financial crisis movie *The Big Short* -- the public entities' bonds became unmarketable, costing them multi-millions of dollars in unnecessary premiums, interest payments and penalties.

Emergency Road Service Providers Seek Relief Against AAA for Labor Practices

CPM has a long history of representing the interests of labor and employees. When businesses do not classify or treat employees fairly, not only is the individual employee hurt, but our system is corrupted. Despite providing 95% of the emergency road service for AAA members in Northern California, those who come to your aid are not, according to AAA, employees of AAA, but, instead independent contractors. The service providers in California are challenging AAA's position. The lead attorneys are **Matt Edling** and **Stephanie Biehl**.

CPM is Investigating

Electronic Cigarettes

For their potentially dangerous
fire and health problems
in adults and teens

Recycled Rubber Playing Fields

For health hazards to children -
both from ingestion of particles
and carcinogenic fumes
leading to lymphoma

Hundreds Pack Oregon Courthouse To Support Youth In Landmark Constitutional Climate Change Case



In March, the Federal District Court in Eugene, OR, heard oral argument in the landmark constitutional climate change case brought against the federal government. All 21 young Plaintiffs, ages 8-19, from across the U.S. and **Dr. James Hansen** attended the hearing. Hundreds of students, professors, and citizens concerned about climate turned out in Eugene and Portland, OR to support the 21 young plaintiffs in what Bill McKibben and Naomi Klein call the "most important lawsuit on the planet right now." Plaintiffs sued the federal government for violating their constitutional rights to life, liberty and property by permitting, encouraging, and otherwise enabling continued exploitation, production, and combustion of fossil fuels. **Phil Gregory** is handling the case for CPM.

Royalty Owners Test How Far Oil Companies Can Go

CPM along with the **Ernst Law Group** ("ELG") represent land owners in California who have contracted with Chevron to allow for oil exploration on their land in exchange for a share of the oil royalties. On behalf of their clients, CPM and ELG have filed their motion for class certification in San Luis Obispo Superior Court asserting that Chevron improperly calculates the market value of the oil extracted from the land and takes improper deductions prior to compensating royalty owners. The lead attorney from CPM is **Matt Edling** and his team. If you are a royalty owner, CPM encourages you to check with your CPA or trusted advisor to ensure that the royalties you receive are accurately accounted for and comply with your contract.

CPM Prepares Backhouse Embezzlement Litigation for Trial Ponzi Schemes Are Now Flourishing

CPM represents trustees that fell victim to a massive fraud resulting in losses of millions of dollars. The Complaint alleges Leo Joshua Kennedy, assisted by Heritage Bank of Commerce, misappropriated Plaintiffs' hard-earned funds and spent them on a lavish lifestyle, speculative startups that went bust, and first-class travel, including pre-paid vacations and limousine service for Heritage bankers. Plaintiffs are left facing a nightmare of epic proportions: Kennedy and the entities he utilized to control Plaintiffs' trust funds are out of business, and Plaintiffs' trust funds are lost. CPM attorneys **Phil Gregory** and **Camilo Artiga-Purcell** defeated Heritage Bank's motion for summary judgment, and are set to try the case in **January 2017** in San Jose.