

ADVOCATES FOR JUSTICE

San Francisco Bay Area • Los Angeles Area • New York

COTCHETT, PITRE & MCCARTHY LAWYERS HONORED AS SUPER LAWYERS FOR NORTHERN CALIFORNIA OF 2015 BY PEERS



CPM lawyers were honored by **Northern California Super Lawyers** Magazine as among the **Top Attorneys for 2015**. 75 percent of CPM's attorneys are recognized as 2015 Super Lawyers or Rising Stars. Honored on the **Top 10 list** are **Joe Cotchett** and **Frank Pitre** (Ranked Top 10); **Niall McCarthy**, **Mark Molumphy**, **Nancy Fineman** and **Philip Gregory** are on the Top 100 list. In addition, the following attorneys are 2015 Super Lawyers—**Justin Berger**, **Anne Marie Murphy**, **Nanci Nishimura** and **Steve Williams**. Another seven of the firm's attorneys are on the Rising Stars list—**Camilo Artiga-Purcell**, **Eric Buescher**, **Matthew Edling**, **Demetrius Lambrinos**, **Brian Schnarr**, **Elizabeth Tran** and **Adam Zapala**, based on a survey of California lawyers. Nancy Fineman and Anne Marie Murphy are also on the Women Lawyers' Top 50 Super Lawyers list. **Cotchett was ranked Number One Lawyer in Northern California for 2015.**

Whistleblower Case Against BP to Proceed for State of California



An order issued in June by a Judge of the San Francisco Superior Court rejected arguments made by BP (formerly British Petroleum) seeking to prevent CPM's whistleblower client from pursuing claims alleging that BP overcharged the **State of California millions of dollars for natural gas**. California Attorney General Kamala Harris joined the case and accuses the oil company of massive overcharging of California cities, counties, universities, and government agencies on natural gas purchases over the past decade. The case was filed in 2012. CPM's **Niall McCarthy** and **Justin Berger** are leading the case.



CPM AIR

CPM Attorneys Provide Legal Help to Guatemalan and Salvadoran Children



CPM's **Camilo Artiga-Purcell**, **Shauna Madison** and **Stewart Pollock** 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. CPM is working to obtain U-Visas for them in partnership with CARECEN, which provides legal services to Latino, immigrant, and under-resourced families in the San Francisco Bay Area. CPM is committed to doing its part for these at-risk children.

GM Ignition Switch Litigation Moves Forward in New York



The case is heating up In re: General Motors LLC Ignition Switch Litigation. Counsel for Plaintiffs, including Executive Committee member Frank Pitre, have taken depositions of both current and former General Motors employees which have revealed numerous missed opportunities by General Motors to issue a safety recall long before February of 2014. Sworn testimony shows that General Motors engineers and executives repeatedly ignored "red flags" concerning ignition switch defects in their vehicles and delayed issuing a recall for nearly a decade. The Hon. Jesse M. Furman of the Southern District of New York will select cases for trials. The case is being handled by **Frank Pitre**, **Stewart Pollock**, **Alison Cordova** and the New York office.



MAJOR RECENT FILINGS

Lawsuit Filed Against Barclays for Dark Pools Trading



In July, CPM filed a class action complaint against Barclays PLC and Barclays Capital, Inc. ("Barclays") on behalf of Great Pacific Securities in the United States District Court for the Central District of California.

The complaint alleges concealment, unfair competition, and false advertising claims against Barclays for making false statements to and concealing material information from clients about its dark pool, Liquidity Cross ("LX"). LX is an anonymous private trading venue and one of Wall Street's largest dark pools. CPM's investigation has revealed that while Barclays was courting aggressive, predatory, high-frequency traders to participate in its dark pools, represented to other clients that it had a proprietary system that would protect those clients from the very sharks that Barclays knew were lurking in its dark pools. CPM attorneys **Joe Cotchett**, **Mark Molumphy**, **Nanci Nishimura**, **Kevin O'Brien** and **Elizabeth Tran** are handling the case.

Investors Action Against Oportun Financial Corp.

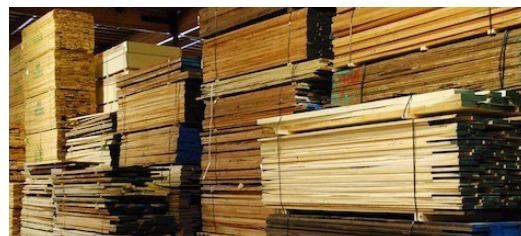
CPM has filed an action on behalf of shareholders of Oportun Financial Corporation and the venture capital funds which dominated and controlled Oportun. The plaintiffs allege that defendants disregarded their fiduciary duties owed to Oportun's common shareholders by maximizing their personal ownership interests. It's alleged that Oportun orchestrated and approved of several rounds of highly dilutive financings, which essentially wiped out the Company's common shareholders' ownership interest, and correspondingly increased defendants' ownership interest in Oportun. CPM attorneys **Mark Molumphy**, **Brian Schnarr** and **Tiffany Wong** are handling the case.

CPM Takes on Cyberattacks



Massive data breaches are occurring with increasing regularity. CPM and its team of attorneys and technologists are at the forefront of how individuals and businesses can deal with cyberattacks – both internal and external. Recently, CPM filed a class action complaint related to surreptitiously installed malware on Lenovo computers. The complaint alleges that the adware violates privacy laws by intercepting users' behavioral data, including browsing history and electronic communications. CPM, along with co-counsel Girard Gibbs LLP and Pritzker Levine LLP, have been appointed interim co-lead counsel. The case is being handled by **Steve Williams**, **Phil Gregory** and **Matt Edling**.

CPM Named Co-Lead Counsel in Lumber Liquidators Case in Virginia



CPM's **Nancy Fineman** has been appointed co-lead counsel in the Lumber Liquidators case filed in the **Eastern District of Virginia**. The class action was filed against Lumber Liquidators alleging that their Chinese-manufactured laminate wood flooring products emit unsafe and dangerous levels of formaldehyde.

CPM Represents Investors Against Liberty Asset Management Corp.



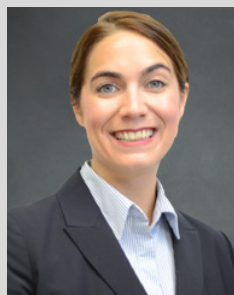
CPM has been returned to represent investors in a real estate investment scheme case against Liberty Asset Management Corporation and its controlling individuals and associated entities. The complaint alleges that the defendants solicited JD Brothers to invest in real estate properties and then falsely represented that the properties could not be purchased, when in fact the defendants had purchased the properties. The case is pending in federal court in the Northern District of California and is being handled by **Joe Cotchett** and **Nancy Fineman**.

See Insert For

CPM and Co-Counsel Fight Slave Labor

Actions Against the Obama Administration on Climate Changes

CPM WELCOMES NEW ASSOCIATES



ALISON E. CORDOVA

- Columbia University, B.A.
- University of California, Hastings College of the Law, J.D.
- Practice areas:
 - Class Actions
 - Personal Injury
 - Wrongful Death
 - Consumer Fraud



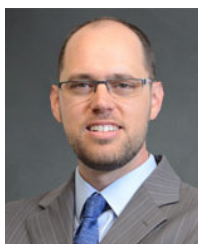
TIFFANY B. WONG

- University of California at Los Angeles, B.A.
- Santa Clara University School of Law, J.D.
- Practice areas:
 - Complex Business Disputes
 - Class Actions
 - Securities

FALSE CLAIMS & ELDER ABUSE UPDATES



Niall McCarthy



Justin Berger



Anne Marie Murphy



Eric Buescher

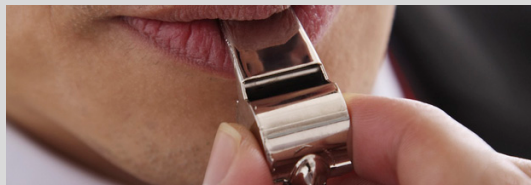


Shauna Madison



Darren Kelley

\$48.5 Million Settlement in Whistleblower False Claims Case



In April, CPM and the United States Department of Justice announced a \$48.5 million settlement of claims against **Health Diagnostic Laboratories** ("HDL") and Singulex, Inc., in a False Claims Act case filed by CPM on behalf of a whistleblower in late 2011. HDL is a Richmond, Virginia-based laboratory that specializes in coronary heart disease testing. CPM was assisted in the case by Steven N. Berk, of Berk Law PLLC, based in Washington D.C. The lawsuit alleged that HDL and Singulex sought to illegally induce the referral of Medicare business by paying kickbacks to doctors in the form of inflated "packaging" fees for drawing blood specimens and packaging them for shipping. **Niall McCarthy** and **Justin Berger** handled the case.

Ringleader of Healthcare Fraud Scam Indicted Following CPM Lawsuit



In June, the FBI arrested Los Angeles-based chiropractor Bahar Gharib-Danesh, the alleged ringleader of a vast healthcare conspiracy first made public in a whistleblower lawsuit filed by CPM. According to CPM's lawsuit, which became public early this year, Danesh controls seven pain management clinics in Southern California. The complaint alleges that the clinics instituted and engaged in a pattern and practice of ordering dozens of tests, treatments, and medications for all patients, regardless of injury or proper medical diagnosis. The case is being handled by CPM attorneys **Justin Berger** and **Robert Hutchinson**.

Historic Settlement in Whistleblower Lawsuit Against VMware, Inc.



In June, the **United States Department of Justice** and **CPM** announced a **\$75.5 million** settlement of claims against VMware, Inc. and Carahsoft Technology Corporation, in a False Claims Act case prosecuted by CPM and the Law Office of Jeffrey F. Ryan on behalf of Relator Dane Smith. VMware is the market leader in "virtualization" technology, and the fifth-largest software company in the world. The action was filed in 2010 by Dane Smith, the former Vice President of Americas Sales for VMware. The settlement represents one of the five largest recoveries against a technology company in the history of the False Claims Act. The \$75.5 million settlement was reached after nearly five years of investigation by CPM, the DOJ, General Services Administration's Office of Inspector General and Smith. The settlement was negotiated jointly by attorneys from the DOJ and CPM while the case remained under seal. The False Claims Act was designed to foster private-public partnerships of this type. The case was handled at CPM by attorneys **Niall McCarthy**, **Justin Berger** and **Eric Buescher**.

Unanimous Jury Award for CPM Client

CPM's **Justin Berger** and **Eric Buescher** won a jury trial on behalf of a local businessman for \$447,000 in a hotly disputed business case. The defendant, who owns an advertising billboard, had refused to pay full rent according to his interpretation of the lease agreement. It was alleged that the defendant was just trying to delay payment to leverage the small business owner plaintiff. Berger and Buescher convinced the jury the defendant had failed to act in good faith. The jury's verdict was unanimous and awarded CPM's client all the back rent he was owed, plus additional damages. The case was rewarding as a small business owner, with CPM at his side, fought all the way to verdict to get justice.

Court Allows Whistleblower Case Against Walgreens to Proceed

In May, a federal district court allowed a CPM whistleblower complaint against pharmacy chain Walgreens to move forward, denying Walgreens' motion to dismiss. The case, brought to CPM by a Walgreens pharmacist, 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. CPM is working on the case with San Francisco attorney Gregory J. Brod. Attorneys **Justin Berger** and **Eric Buescher** are handling the case for CPM.



MASS INJURIES UPDATES

Expanded Litigation on Behalf of Individuals Who Had Counterfeit, Non-FDA-Approved Medical Devices Implanted

CPM is handling the Spinal Implant cases out of our Los Angeles office. The case has now entered the initial discovery phase and all plaintiffs have submitted their Plaintiff Fact Sheets detailing the essential facts of their surgeries. CPM, along with Knox Ricksen and Kabateck, Brown and Kellner, are preparing to file an additional 46 new individual cases on behalf of victims of the scheme to pay illegal kickbacks to doctors to direct their surgical patients to preferred hospitals. These plaintiffs, like those already on file, have evidence that the surgical hardware used in their surgeries was counterfeit and not FDA approved. The firm has also filed a Qui Tam action on behalf of a number of private workers' compensation insurance companies against the same defendants and has now been coordinated with the individual cases before Judge Elihu Berle in Los Angeles County Superior Court. The CPM team is headed up by **Frank Pitre**, **Robert Hutchinson** and **Joanna LiCalsi**. **Ryan Manuel** heads up the investigation.



Frank Pitre



Robert Hutchinson



Brian Schnarr



Joanna LiCalsi



Stewart Pollock



Alison Cordova



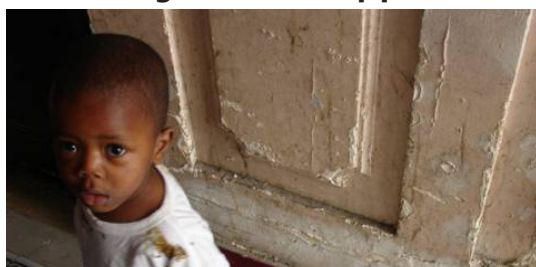
Ryan Manuel

Richmond-Chevron Refinery Explosion Moves Towards Trial



CPM represents the City of Richmond against Chevron in connection with the massive refinery explosion in August 2012. Damages sought by the City include environmental damages and the city's lost tax revenues. On February 13, 2015, the Honorable Barry E. Goode denied Chevron's motion to strike lost tax revenues which the City claims it is entitled to recover as they relate to the fire. Chevron has since filed a writ and the issue is now pending before the 6th District Court of Appeals. CPM has prevailed on a number of other motions filed by Chevron in the company's attempts to limit damages suffered by the City of Richmond. The case is handled by **Frank Pitre**, **Stewart Pollock** and **Alison Cordova**.

CPM's \$1.15 BILLION Lead Paint Judgment on Appeal



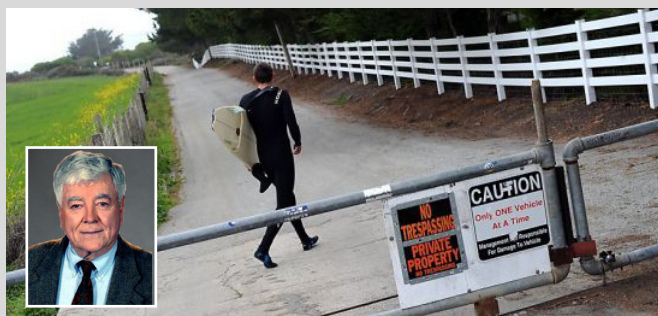
CPM continues its fight to hold three former lead paint manufacturers responsible for creating a statewide public nuisance in the landmark case of *The People of the State of California v. Atlantic Richfield Co. et al.* In January 2014, Santa Clara County Superior Court Judge James P. Kleinberg entered a \$1.15 billion judgment to be used to fund a state-run program that would address health risks to young children poisoned by lead paint in California homes.

The three lead paint manufacturers have now sought appellate review of this judgment. **Joe Cotchett**, **Nancy Fineman**, **Brian Schnarr**, and support staff from CPM, along with numerous other public entity counsel, are working to uphold Judge Kleinberg's judgment on appeal.

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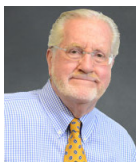
JUSTICE FOR ALL IN THE WORLD

Public Access to Martin's Beach



CPM's litigation on behalf of the public and Surfrider Foundation to restore public access to Martin's Beach and to enforce the California's Coastal Act is on appeal. According to media reports and social media, despite the owners' decision to appeal Judge Mallach's post-trial decision upholding public access, the scenic beach just south of Half Moon Bay has been open to visitors on several occasions this summer, upon payment of a parking fee as historically charged by the prior owner. CPM continues to work to defeat the owners' efforts to avoid compliance with the Coastal Act and to ensure that Judge Mallach's decision is upheld on appeal. This case is being handled by **Joe Cotchett**, **Eric Buescher** and **Pete McCloskey**.

HONORS FOR CPM



Cotchett and Williams Recognized by Chambers USA as America's Leading Lawyers for Antitrust

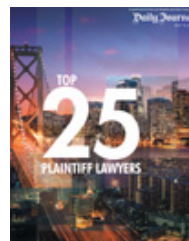
In May, **Joe Cotchett** and **Steve Williams** were recognized by *Chambers USA* as America's Leading Lawyers for Antitrust. *Chambers USA* describes Cotchett as "a 'top plaintiffs' lawyer" and Williams is described as bringing "his 'very strategic' approach to disputes involving multiple industries." In 2011, **Cotchett** was named the **Antitrust Lawyer of the Year** by the **Golden State Antitrust Institute** as an outstanding lawyer over the years.



Cotchett Named Top 100 for 2015

Since 1997, **Joe Cotchett** has been named to the **Top 100 lawyers in California** by the San Francisco and Los Angeles *Daily Journal*. Cotchett will be honored in Los Angeles at the award ceremony in September.

Cotchett, Pitre and Murphy Selected as *Daily Journal's* 2015 Top Plaintiff Lawyers in California



Joe Cotchett, Frank Pitre and Anne Marie Murphy have been selected to the *Daily Journal's* Top Plaintiff Lawyers list. In this inaugural list, the *Daily Journal* honors 25 plaintiff lawyers in California. These distinguished lawyers "**consistently force broad change in the law, industry and society.**"



Fineman Honored by Anti-Defamation League

The Anti-Defamation League announced that **Nancy Fineman** is the 2015 recipient of its Distinguished Jurisprudence Award. The award recognizes individuals in the legal community who exhibit leadership on behalf of humanitarian concerns, and whose everyday actions exemplify the founding principles of the ADL.

Madison Chosen for CAOC 2015 Leadership Academy



Shauna Madison, was chosen by the Consumer Attorneys of California (CAOC) to participate in its 2015 Leadership Academy. Madison has also been elected to sit on the **Bay Area Lawyers for Individual Freedom (BALIF) Board** - The nation's oldest and largest association of lesbian, gay, bisexual and transgender (LGBT) persons in the field of law. Madison will serve as the co-chair of the Young Lawyers and Student Programs Committee.



Anne Marie Murphy Named *Daily Journal's* Top 100 Women Lawyers in California

Gregory Honored as Fellow of the International Academy of Trial Lawyers



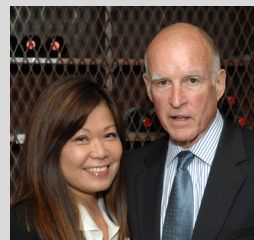
Phil Gregory was recently invited to become a Fellow of the International Academy of Trial Lawyers. Membership in the Academy is limited to **500 Fellows** in the United States. There also are more than 100 Fellows from 30 other countries. The Academy's purpose includes elevating the standards of integrity, honor and courtesy in the legal profession. Also Fellows of the **Academy** are **Joe Cotchett** and **Frank Pitre**. In June, Gregory also spoke to the State Bar's Litigation Section on Expert Witnesses as part of a panel with San Francisco Superior Court Judge Ernest H. Goldsmith and Susan Harriman of Keker Van Nest. Gregory continues his work for the homeless in Santa Clara County.

Nishimura Selected as Advisor to White House on Asian American Issues



Nanci Nishimura has been selected to serve on the White House Initiative on Asian American Pacific Islanders, as part of the President's Commission on Asian American Pacific Islanders. The WHIAAPI is a select group of approximately 50 individuals from around the nation in leadership positions in business, law, technology, education, culture and philanthropy who convened at the inaugural meeting in Washington, D.C. in May, to provide ongoing "thought leadership and strategic guidance" to the President and Cabinet on access to higher education, healthcare, and entrepreneurship opportunities for the fastest growing minority population in the U.S.

Governor Jerry Brown Reappoints Nishimura to California Commission on Judicial Performance



Governor Brown reappointed **Nanci Nishimura** to the **California Commission on Judicial Performance**. She is one of two lawyers on the 11-member independent state agency responsible for investigating complaints of judicial misconduct and incapacity, authorized to discipline sitting and former judges, with shared authority with local courts over court commissioners and referees. Nishimura was appointed in 2011 and reappointed to serve until **2019**.

Public Justice Appoints Matt Edling to Board



In July, **Matthew Edling** was appointed to the **Public Justice Board of Directors**. Public Justice's mission is to pursue "high impact lawsuits to combat social and economic injustice, protect the Earth's sustainability, and challenge predatory corporate conduct and government abuses." Edling also serves on the Boards for Consumer Attorneys of California and San Mateo County Bar Association.

COMMUNITY ACTIVITIES

CPM Hosts Legal Delegate From China



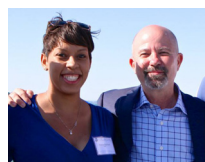
During May and June, CPM hosted **Su Yan (Sue)** of the **Ministry of Civil Affairs** of the **People's Republic of China**. Among the many activities during her visit, Sue met with **Governor Brown** and **Lt. Governor Newsom**, spoke with Hon. John Grandsaert, Presiding Judge of the San Mateo County Superior Court, observed jury selection and oral argument in two major cases, and even attended a Tony Bennett/Lady Gaga concert and two Giants games! CPM hosted Sue as part of the China Program of the **International Academy of Trial Lawyers**.



CPM's **Nanci Nishimura** participates in Daly City's Jefferson High School's Career Day



CPM attorney, **Elizabeth Tran** and CPM paralegal, **Pouneh Almasi** with San Francisco **Mayor Ed Lee**



Legal director of the National Center for Lesbian Rights, **Shannon Minter** with CPM attorney, **Shauna Madison**

CPM Volunteers To Rebuild Bay Area Homes



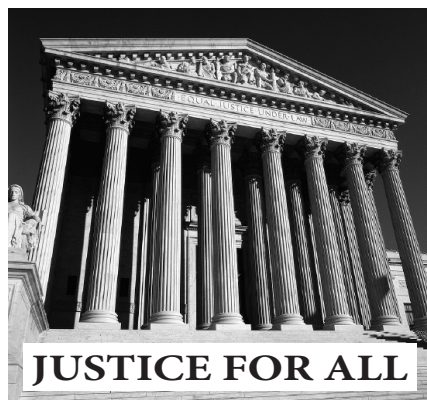
Since 1999, CPM has teamed up with Rebuilding Together Peninsula (RTP), the nation's leading non-profit that works to help people in our community to receive needed home repairs and enhancements to improve health, safety, and well-being. This year, CPM helped restore an elderly widow's home in San Mateo by re-roofing, installing gutters, fixing electrical issues, replacing broken windows and painting.

CPM Reaches Out To Help Seniors At World Elder Abuse Awareness Day

CPM attorneys **Anne Marie Murphy** and **Eric Buescher** hosted a table at the Second Annual Seniors on the Square event in Redwood City on June 12, World Elder Abuse Awareness Day. The event was hosted by the Ombudsman Services of San Mateo County and allowed seniors in the community to meet with and talk to local leaders, attorneys and non-profit providers about the signs of elder abuse, how to avoid it, and what to do when it happens. In May, Anne Marie and Eric also attended and hosted a table at the Legal Assistance for Seniors event in San Francisco.



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JUSTICE FOR ALL

"We don't accomplish anything in this world alone... and whatever happens is the result of the whole tapestry of one's life and all the weavings of individual threads form one to another that creates something."

- Justice Sandra Day O'Connor

CASE UPDATES

ANTITRUST & BUSINESS FRAUD



Steve Williams



Adam Zapala



Demetrius Lambrinos



Elizabeth Tran



Alex Barnett



Joyce Chang

\$197 Million Settlement in Price-Fixing Lawsuit Involving Freight Companies - Now Over \$300 Million - New York -

CPM reached an additional \$197 million in settlements with defendants in the freight forwarding price-fixing class action. Settlements have now been reached with nineteen (19) additional Defendants. Plaintiffs previously reached settlements with defendants totaling over \$100 million. The lawsuit claims that certain freight forwarding companies conspired on prices for their freight forwarding services worldwide. "Price-fixing conspiracies destroy our economic system and must be challenged by lawyers acting in the public interest, government regulators and industry whistleblowers," said Adam Zapala.



Auto Parts Price-Fixing - Detroit

This case involves a massive conspiracy to fix the prices for component parts of cars. The complaint alleges that these increased prices are then passed on to the 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."

Transpacific Air Transportation Price-Fixing - 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 prices charged to people traveling between the United States and Asia by air.



Japanese Transport Company K-Line Agrees to First Civil Settlement Relating to Auto Shipping Price-Fixing Claims



Attorneys representing a group of consumers and auto and truck and equipment dealerships alleging antitrust claims against more than a dozen international shipping firms have reached a settlement with Japan's Kawasaki Kisen Kaisha Ltd., known as K-Line. The plaintiffs include the indirect purchasers of millions of vehicles transported to the United States. They claim that Tokyo-based K-Line and other maritime carriers have unlawfully conspired to rig bids, fix prices and overcharge for their services. The lawsuit notes that the market for transporting new vehicles for sale in the U.S. is almost \$1 billion annually. The settlement with K-Line was announced during a hearing before Judge Esther Salas of the U. S. District Court for the District of New Jersey in Newark. The other defendants include Nippon Yusen Kabushiki Kaisha (NYK Line) and Compania Sud Americana de Vapores (CSAV), both of which previously pled guilty to participating in the conspiracy that is still being investigated by the federal government. The case is being handled by **Steve Williams, Elizabeth Tran** and **Alex Barnett**.

Update: FedEx Faces Criminal Penalty for the Illegal Delivery of Online Pharmaceuticals



U.S. prosecutors continue to pursue criminal charges against FedEx for its role in the distribution of controlled substances through online pharmacies, while CPM represents FedEx shareholders against its Board of Directors. The suit alleges that the board knew, and actively participated in the widespread practice of delivering bulk shipments of pharmaceuticals to known drug dealers, drug addicts, and even underage individuals. The case is being handled by **Mark Molumphy** and **Brian Schnarr**, and is proceeding in federal court in the Northern District of California.

CONSUMER, SECURITIES FRAUD AND ENVIRONMENTAL



Joe Cotchett



Mark Molumphy



Nancy Fineman



Phil Gregory



Nanci Nishimura



Matthew Edling



Camilo Artiga-Purcell



Kevin O'Brien



Tiffany Wong



Pete McCloskey

Lehman Brothers Pays San Mateo County and Other Cities



CPM recently concluded its litigation against Lehman Brothers' directors and officers and Lehman's auditor, Ernst & Young (In re Lehman Bros. Sec. and ERISA Litig., 09-md-02017 (SDNY)). On behalf of its clients San Mateo and Monterey County, i.e. the cities of Burbank, Ventura and Auburn, the Contra Costa Water District, the Vallejo Sanitation and Flood Control District and Zenith Insurance, CPM recovered more than \$100 million through litigation and bankruptcy recovery. CPM is proud to consistently be selected to represent public entities in their most difficult matters. The case is being handled by **Mark Molumphy** and **Matthew Edling**.

Tax Shelter Fraud Recovery Against Bank

In May, **Joe Cotchett** and **Nancy Fineman** along with co-counsel Jennifer Jonak settled for a confidential sum on a tax shelter case against HVB bank. This settlement is the latest in a number of tax shelter settlements that CPM reached on behalf of its clients with accounting firms, lawyers and others, who falsely advised their clients that the clients were making investments which had legitimate tax benefits while in fact the defendants knew that the investments would never pass IRS scrutiny.



Major League Baseball's Antitrust Exemption on Appeal to United States Supreme Court



A three judge panel of the Ninth Circuit Court of Appeals said the U.S. Supreme Court is to determine whether baseball's antitrust exemption has "continued vitality." The decision was issued in the City of San Jose's antitrust case against Major League Baseball and Commissioner Bud Selig. In its lawsuit, San Jose asserts that, pursuant to an illegal exclusive territorial rights agreement, MLB has refused to permit the A's to relocate from Oakland to San Jose, purportedly because the San Francisco Giants "own" the territorial rights to San Jose. The CPM team representing the City of San Jose is **Joe Cotchett**, **Phil Gregory** and **Camilo Artiga-Purcell**.

Litigation For Monster Against Dr. Dre and 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, rapper and record producer Andre Young a/k/a Dr. Dre, and music mogul Jimmy Iovine, among others, was transferred to Los Angeles County Superior Court. 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**, **Camilo Artiga-Purcell** and **Shauna Madison**.

Landmark Case Protecting Our Environment



CPM filed a landmark constitutional **climate change lawsuit** on behalf of several youths from across the U.S. against the federal government in the U.S. District Court for Oregon along with Julia Olson. Also acting as a plaintiff is world-renown climate scientist **Dr. James E. Hansen**. The complaint asserts that, in causing climate change, the federal government violated the youngest generation's constitutional rights to life and property by promoting the development and use of fossil fuels. The Government has known for decades that fossil fuels are destroying the climate system. As with the Civil Rights cases, the cases seeks a court order requiring the President to implement a national plan to decrease atmospheric concentrations of carbon dioxide to a safe level: 350 ppm by the year 2100. The cases are being handled by **Phil Gregory** and **Pete McCloskey**. CPM has filed several cases involving ancient redwoods, the Smith River and various protected areas of our county (See enclosed insert).

CASES UNDER REVIEW



Urology Practice

CPM is investigating procedures of Urology Practice during examinations of patient's bladders between January and June of this year that may have been infected with blood-borne viral pathogens including, potentially, Hepatitis B, Hepatitis C and HIV. It was disclosed that the flexible cystoscopes used in the examination were inadequately reprocessed (cleaned) prior to use during the examinations.

Nursing Home Neglect



CPM continues to be inundated with inquiries on Financial Elder Abuse and Nursing Home Neglect. This is becoming a major problem for seniors in California as Nursing Homes cut back on services.

Fracking Activities in San Joaquin Valley



CPM has filed cases on behalf of farmers in Kern County whose crops have been destroyed due to the release of waste products from fracking activities by oil companies. In connection with their investigation of these issues, CPM has also focused on the larger issue of the impact of how waste from fracking activities has impacted drinking water reserves from below ground aquifers in the region. Water agencies and the farming community in the region are vitally concerned over these issues given the severe drought that persists in California.

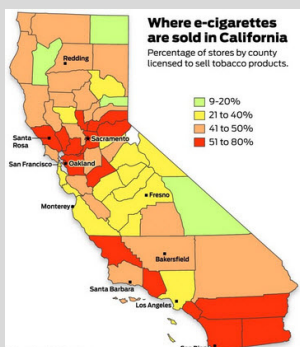
Whistleblower Cases - Public Entities



CPM has been contacted by several potential whistleblowers who believe there is fraudulent billing practices at their employment. This is especially true with public contracts with public entities because there is little oversight. A common practice are "change orders" after contracts are signed.

DANGERS OF VAPING

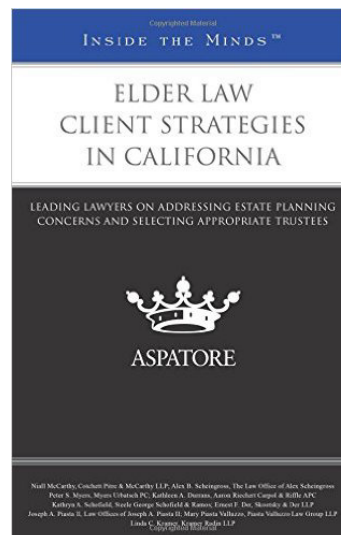
CPM Has Been Contacted by Several Doctors to Investigate E-Cigarette Health Threat



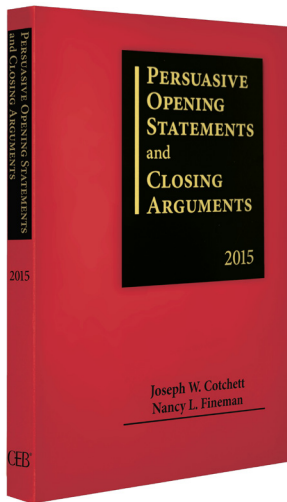
CPM is currently investigating the health threat caused by e-cigarettes. The Department of Public Health has released a 21-page report that highlights the potential dangers of "vaping" and to correct "misinformation" about e-cigarettes as

being a more healthful alternative to tobacco. Medical experts have found that e-cigarettes may produce cancer-causing toxins that are unknowingly inhaled in the form of vapor.

McCarthy and Buescher publish chapter on Financial Elder Abuse in "Inside the Minds: Elder Law Client Strategies in California"



Niall McCarthy and **Eric Buescher** recently published a chapter titled "Fighting Financial Elder Abuse in California" for the Thomson Reuters / Asapora Books publication, "Inside the Minds: Elder Law Client Strategies in California." The chapter describes the current state of financial elder abuse law in California and discusses strategies for plaintiffs to successfully prosecute civil financial elder abuse cases in a variety of contexts. Visit our blog to read an excerpt of the chapter.

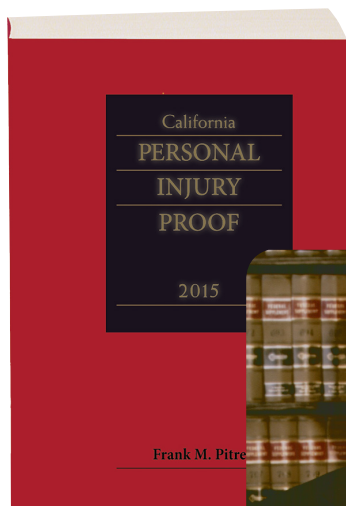


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Effectively Present Evidence in Any Accident Case Involving Injury or Death



California Personal Injury Proof 2014

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- Lay a foundation
- Handle expert and lay witnesses
- Present evidentiary exhibits and demonstrations, including reports and records
- Use audio-visual recordings and computer-generated presentations



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COTCHETT, PITRE & MCCARTHY, LLP

Cotchett, Pitre & McCarthy and Co-Counsel Fight Slave Labor

*“Human suffering cannot be ignored to
enhance a company’s economic bottom line.”*

- Niall McCarthy, Partner at CPM



This case seeks to stop human trafficking and forced labor within Costco’s supply chain, which received nationwide coverage from many news sources, including the following:

Bangkok Post

(Article featured on reverse side)

Los Angeles Times

Bloomberg

San Francisco Chronicle

The Seattle Times

ST. LOUIS POST-DISPATCH

THE DENVER POST

Niall McCarthy, Anne Marie Murphy and Shauna Madison of Cotchett, Pitre & McCarthy, LLP filed the case, along with Derek Howard of the Howard Law Firm and Dan Mulligan of Jenkins, Mulligan & Gabriel, LLP.

Costco sued over claims shrimp harvested with slave labour

Costco Wholesale Corp was sued for selling farmed shrimp from Thailand, where slave labour and human trafficking in the fishing industry are widespread, and allegedly misleading US consumers about it.

A California woman, Monica Sud, filed what may be the first such lawsuit against the retailer over liability for the Thai fishing industry. She cited state laws that bar companies from making false claims about illegal conduct in their supply chain, including human rights violations.

The lawsuit also names as a defendant the US distributor of the prawns, Columbia, Maryland-based CP Food Products Inc., and the company's Thailand-based parent company, Charoen Pokphand Foods Pcl, a "global conglomerate."

Costco's purchases of Thailand's farmed prawns, which are fed a diet of cheap fish caught at sea with unpaid, forced labour, helps prop up an industry whose practices are ignored by local authorities, according to the complaint filed Wednesday in San Francisco federal court.

"Human suffering cannot be ignored to enhance a company's economic bottom line," the woman's lawyer, Niall McCarthy, said in a statement. "California consumers are unknowingly supporting slave labour."

Richard Galanti, a spokesman for Issaquah, Washington-based Costco, said in a statement that the company has been working closely with the Thai government, the Thai fishing industry and other retailers "to address the issues that have surfaced" over the past year.

The cooperation will continue, Galanti said, and any consumers who are dissatisfied with a Costco product "can return the item for a full refund."

Third biggest

Thailand is the world's third-biggest exporter of seafood, with annual sales of about \$7.3 billion, according to the complaint.

The Thai fishing industry, which extends into international waters around Indonesia, employs more than 650,000 people, mostly migrants who enter Thailand looking for work or who are taken there against their will, the lawyers said.

In its annual report examining human trafficking in 188 countries, the US State Department in July cited concerns about labour conditions in Thailand's fishing industry and faulted the Thai government's record in fighting exploitation.

In her lawsuit, Ms Sud cited news reports, documentaries and reports by London-based Environmental Justice Foundation. As a purchaser of shrimp from Costco, she seeks class action status on behalf of similar California consumers.

Torture, killings

The rights group listed abuses at sea including torture, chaining of workers and killings of those who seek to escape illegal fishing vessels, known as ghost ships. Costco and its distributors aren't accused of engaging in such practices.

Costco's reputation for stocking high-quality products at bulk rates has helped it outperform Wal-Mart Stores Inc and Target Corp in recent years. Its comparable-store sales jumped 6% in its most recently reported quarter, and its profit topped analysts' estimates.

Costco's relationship with CP Foods contradicts its public statements about slavery in the company's supply chain, according to the complaint.

Costco claims

"Costco publicly represents that it does not tolerate human trafficking and slavery in its supply chain, yet it continues to purchase the tainted farmed prawns from defendant CP Foods," according to the complaint. "Any representation by Costco that slavery in the supply chain is not allowed is simply false."

The situation may be a result of overfishing around Thailand, and the thin profit margins on farmed fish, the lawyers contend. Fishing companies that must go farther out to sea to catch cheap fish can no longer make a profit if they pay workers.

The lawsuit seeks to represent all California consumers of Costco shrimp products under a 2010 state law that sought to expose slavery in the supply chains of US companies.

The lawsuit seeks an injunction barring Costco from selling products tainted by slave labour and requiring it to disclose tainted products in its supply chain. It also seeks to compensate purchasers of the shrimp products.

Costco shares closed at \$145.17, down 0.3% after falling as much as 1.4% in Nasdaq trading on Wednesday.

The case is *Sud v. Costco Wholesale Corp.*, 15-cv-03783, US District Court, Northern District of California (San Francisco).

COTCHETT, PITRE & MCCARTHY, LLP

A former NASA scientist and these 21 kids are suing the U.S. government over climate change



America's Youth File Landmark Climate Lawsuit Against U.S. Government and President

On International Youth Day, 21 young people from across the United States filed a landmark constitutional climate change lawsuit against the federal government in the U.S. District Court for the District of Oregon. Also acting as a Plaintiff is world-renown climate scientist Dr. James E. Hansen, serving as guardian for future generations and for his granddaughter, and Earth Guardians, representing young citizen beneficiaries of the public trust. The Complaint asserts that, in causing climate change, the federal government has violated the youngest generation's constitutional rights to life, liberty, property, and has failed to protect essential public trust resources.

This case received nationwide coverage from many news sources, including the following:

***the Portland*
MERCURY**

MSNBC

The Oregonian

**THE
HUFFINGTON
POST**

**POPULAR
SCIENCE**

The case was filed by Phil Gregory and Pete McCloskey of Cotchett, Pitre & McCarthy, LLP, Daniel M. Galpern and Julia Olson of Wild Earth Advocates.

'Future generations' sue Obama administration over climate change

August 12, 2015 | By Tony Dokoupil

One kid says that his family's farm has been damaged by drought and wildfire. Another says that his childhood home has been devalued by rising sea levels. A third alleges an assault on his whole culture as man-made climate change upends the natural world.

These and 18 other "youth plaintiffs" (ages 8 to 19) sued the federal government on Wednesday, walking a first-of-its-kind constitutional claim up the courthouse steps in Eugene, Oregon. The kids argue that inaction on climate change is a violation of their right to life, liberty and property. And they demand that President Obama, seven federal departments and the Environmental Protection Agency act immediately to preserve the climate for "future generations."

The White House was not immediately available for comment. A spokesperson for the EPA declined to address the specific merits of the lawsuit, but agreed that the government has "a moral obligation to leave a healthy planet for future generations." The agency pointed to the White House's Climate Action Plan – and the EPA's controversial Clean Power Plan – as examples of remedies already underway. But the lawsuit portrays these efforts as "ineffectual" and "demonstrably short of what is needed."

Some of the young people's complaints are lofty and intellectual, and others reflect basic childhood interests like the health of a local swimming hole. They span childhoods in Oregon, Colorado, Florida, Arizona, Washington state, Hawaii, New York, Alaska, Pennsylvania and Louisiana. But all are treated as equal violations of the U.S. government's fundamental responsibility to protect its citizens today, and provide for a healthy tomorrow.

"The purpose of the case is to protect our rights," Tia Marie Hatton, an 18-year-old plaintiff from Oregon, told msnbc. "They depend on a healthy climate and right now that healthy climate is being negatively impacted by the government allowing and promoting the use of fossil fuel."

"Different rivers and creeks are drying up, and having them get warmer, it gets more algae into them. So it's like really gross to swim in them," added Avery McCrae, an 11-year-old who's also from Oregon.

"This case presents the opportunity for a landmark decision like *Brown v. Board of Education* (on racial equality) or *Obergefell v. Hodges* (on marriage equality)," Julia Olson, one of the kids' lawyers, wrote in a briefing sent to msnbc. It asks the court to decide whether children have a constitutional right to protection from fossil fuel policies that "knowingly create dangerous climate change."

Olson is executive director of Our Children's Trust, an Oregon-based nonprofit that has spearheaded climate-related lawsuits in all 50 states. All have fallen short of success in one way or another. But this new federal filing goes further than anything the group – or anyone else – has filed in the past.

It includes a claim by James Hansen, a climate researcher who headed NASA's Goddard's Institute for Space Studies for more than 30 years and first warned Congress of global warming in 1988. Hansen's granddaughter is one of the plaintiffs, and Hansen himself—fresh from calling Obama's climate change policies "practically worthless"—is listed as a "guardian for future generations."

"We have a global climate emergency," Hansen said on Wednesday. "I aim to testify on behalf of young people. Their future hangs in the balance."

The suit also debuts a new legal framework to fight climate change, one that portrays federal support for the development and use of fossil fuels as a violation of the Fifth and Ninth Amendments, as well as the public trust doctrine.

The trust doctrine treats nature as a public trust, protected by government, paid to future generations. The same principle allows states to regulate fishing and hunting. In the complaint, the kids' lawyers claim that the climate system is the ultimate resource, one that encompasses the resources of water and air already recognized by the courts.

The Fifth and Ninth Amendment argument is more complicated. The lawsuit alleges that the U.S. government knowingly fouled the atmosphere, ignored a half century of its own research and failed to enact proposed plans that could have kept carbon emissions within a scientifically accepted safe range. The resulting degradation, according to the lawsuit, is a violation of the kids' rights to due process and equal protection.

In the Netherlands in June, an organization partnered with Our Children's Trust won a similar case against the Dutch government. The plaintiffs asked the court to force deeper cuts to carbon emissions country-wide. And it worked: the judge ordered the Dutch government to decrease emissions.

"I think we're taking extreme action because we need extreme change," said Kelsey Julianna, a 19-year-old plaintiff. "But I don't even think this is that extreme. We're just advocating for our rights."