

ADVOCATES FOR JUSTICE

San Francisco Bay Area • Sacramento • Los Angeles Area • New York



THE PUBLIC IS VICTORIOUS IN FIGHT FOR ACCESS TO MARTIN'S BEACH – JUDGE ORDERS BEACH REOPENED TO THE PUBLIC



After a six day bench trial and the submission of closing arguments and briefs, Judge Barbara Mallach of the San Mateo Superior Court issued a Statement of Decision and Judgment in Surfrider Foundation's litigation against Vinod Khosla, the owner of Martin's Beach. Judge Mallach agreed with CPM attorneys **Joe Cotchett**, **Eric Buescher** and **Pete McCloskey** and ruled that the property owner had engaged in illegal development by stopping the public's ability to access and use Martin's Beach. Judge Mallach also ordered that the defendant cease preventing the public from ac-

cessing Martin's Beach and required that the beach be reopened immediately. The victory for Surfrider and CPM represented an important legal defense of the California Coastal Act, including the principal of maximizing public access to California's coast. The victory also means the Constitutional right of access guaranteed to all Californians is not a hollow promise to be undone by those with power, wealth or influence. CPM took on this case for a public interest group - Surfrider - after numerous public agencies failed to act. Now the State Coastal Commission has taken the case.

CPM Defends \$1.15 BILLION Lead Paint Judgment on Appeal for Children Around State



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. Klein-

berg entered a \$1.15 billion judgment to be used to fund a state-run program that would address health risks to young children posed 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 preserve the judgment on appeal.

California Attorney General Harris Joins CPM Action Against BP Oil Company for Overcharging Taxpayers for Natural Gas

CPM filed an action against BP to recover hundreds of millions of dollars of California taxpayer's money. The first case of its kind alleges California taxpayers were overcharged for natural gas. The case is being handled by **Niall McCarthy**, **Justin Berger**, and a team of CPM lawyers. See insert for details.



CPM Named One of America's 30 Most Influential Law Firms for 2015



innovation, and success in the practice of civil plaintiff law. Each law firm is evaluated for their professional achievements, trial results and effective impact in the legal community. CPM is ranked by its peers as one of the best in America.

CPM has been selected by The Trial Lawyer as one of America's Most Influential Law Firms (The Forum 2015). Each year, The Trial Lawyer magazine seeks to identify U.S. law firms which have shaped the legal profession through leadership,



MAJOR RECENT FILINGS

Lawsuits Filed on Behalf of Individuals Who Had Counterfeit, Non-FDA-Approved Medical Devices Implanted



Frank Pitre



Robert Hutchinson

In 2014, CPM filed lawsuits in Los Angeles County on behalf of individuals who had counterfeit, non-FDA approved medical devices implanted into their bodies. As alleged in the complaint, Plaintiffs are among thousands of spinal fusion surgery patients in Southern California and elsewhere who were victims of defendants' systematic pattern of fraud and deceit. Fueled by illegal kickbacks, illegal profits, and illegal counterfeit non-FDA approved spinal fusion hardware implanted into the bodies of patients, including CPM's clients, without their knowledge and consent, defendants' conspiracy disregarded the safety and effectiveness of the knockoff hardware so that defendants that include hospitals, doctors, distributors, and others, could defraud insurance companies and ensure a continued stream of unlawful profits for the conspiracy. The CPM team is headed up by **Frank Pitre, Robert Hutchinson, Alexandra Hamilton** and **Joanna LiCalsi**. Hamilton and LiCalsi were just named to the Top 40 Under 40 by the National Trial Lawyers.

Major Litigation Involving Student Loan Fraud is Represented by CPM



CPM's **Niall McCarthy** and **Justin Berger** are representing six whistleblowers in a case against the Marinello beauty school chain for alleged violations of the federal False Claims Act. The case, which was unsealed this month, alleges that Marinello engaged in widespread manipulation of student attendance records, job placement statistics, and student loan processing, in order to maximize federal student loan revenue. The suit alleges that the vast majority of Marinello's revenues come from taxpayer money, yet the schools have routinely failed to follow Department of Education guidelines.

CPM Represents Monster Cable in Lawsuit Against Dr. Dre and Beats Electronics



Philip Gregory



Nanci Nishimura

CPM filed a lawsuit 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. 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, Philip Gregory, Nanci Nishimura, Camilo Artiga-Purcell**, and **Shauna Madison**.



CPM Attorneys Team Up to Help Children from Guatemala



Camilo Artiga-Purcell

CPM's **Camilo Artiga-Purcell** and **Shauna Madison** are representing two unaccompanied minors from Guatemala on a pro bono basis to obtain permanent status for the children in the United States. Due to rampant drug and gang violence in Central America, there has been a huge influx of immigration by unaccompanied minors to the United States. These children are detained at the border and processed by the Department of Homeland Security. Many of these children are in need of legal representation to navigate through expedited proceedings: the "Rocket Docket." CPM, in partnership with CARECEN, which provides legal services to Latino, immigrant, and under-resourced families in the San Francisco Bay Area, is committed to doing its part to advocate for these at risk children.

Consolidated Shareholder Derivative Lawsuit Moves Ahead Against PG&E Officers and Directors



Mark Molumphy

CPM's **Frank Pitre** and **Mark Molumphy** and its co-counsel filed a derivative action against the officers and directors of Pacific Gas & Electric Co. for breach of their fiduciary duties and for their mismanagement of PG&E for more than a decade. The case continues to move forward in the San Mateo Superior Court. The complaint alleges that in the aftermath of the September 9, 2010 San Bruno pipeline explosion, which resulted in the deaths of eight people, governmental reports revealed a pattern of under spending by PG&E for operations and maintenance. The complaint alleges these facts were well known throughout the company, PG&E's incomplete and inaccurate records made it impossible for engineers to make the best decisions in regards to pipeline operations and maintenance, and PG&E's senior management ignored the known concerns raised by its own engineers.

FedEx Shareholder Sues Over the Illegal Delivery of Online Pharmaceuticals



Brian Schnarr

CPM has filed a shareholder lawsuit on behalf of FedEx against its Board of Directors arising out of FedEx's illegal distribution of pharmaceuticals and other controlled substances purchased from internet pharmacies. The complaint alleges that FedEx became involved in delivering bulk shipments of pharmaceuticals to known drug dealers, drug addicts, and even underage individuals. The case is proceeding in federal court in the Northern District of California where the court will hear motions to dismiss in late February 2015. The case is handled by **Mark Molumphy** and **Brian Schnarr**.

MAJOR RECENT FILINGS

CPM Files Elder Abuse Action for Senior Citizen Who was Bilked

CPM represents Timothy and Yolanda Ramirez in connection with a probate and elder abuse case. Timothy Ramirez was named as trustee by his mother who recently passed away and was left a portion of her trust. Fortunately, Ramirez' mother was careful in her estate planning and had a well-respected attorney prepare her final two trust amendments and she obtained a medical opinion as she was elderly. Various family members who were left less under the last trust amendments are challenging the amendments. CPM is defending against the self-serving claims of the family members and is also prosecuting financial elder abuse and neglect claims against family members who abused and neglected Ramirez' mother in the final year of her life. The financial fraud involved in the case is especially egregious and extensive. This case is handled by CPM Partners **Niall McCarthy** and **Anne Marie Murphy**.

Injunction Issued to Protect Panzer Tank Bought by Paul Allen

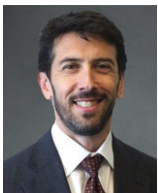


CPM obtained a preliminary injunction in favor of Vulcan Warbirds over possession of an authentic, World War II German Panzer IV Tank. Founded by philanthropist and Seattle Seahawks owner, Paul Allen, Warbirds acquires rare military vehicles and planes and has them displayed as part of the Flying Heritage Collection, a museum located in Everett, WA. Various World War II tanks form the centerpiece of the collection that utilizes the Flying Heritage Collection tank arena. In July 2014, Warbirds purchased the Panzer IV tank, once part of the famous Littlefield Collection of tanks in Portola Valley, CA. When the defendants refused to deliver the tank, CPM obtained a TRO and later an injunction preserving Vulcan's rights to obtain the tank. **Philip Gregory** and **Camilo Artiga-Purcell** of CPM represent Warbirds and Paul Allen.

CPM OFFICES

SACRAMENTO - The Sacramento resident lawyer is **Frank Damrell, Jr.** with his Executive Assistant **Rosa Lopez**. CPM's office is located next to the State Capitol and is busy with Northern California litigation.

LOS ANGELES AREA - The Santa Monica resident lawyers are **Robert Hutchinson** and **Joanna LiCalsi**, along with paralegals **Joaquin Petra** and **Michelle Ramos**. CPM's office is located just blocks away from Santa Monica Airport - CPM Air flies into.



NEW YORK - The New York resident lawyer is **Alex Barnett** who works with paralegal **Latoya Concepcion**. CPM's office is located in the center of the hustle and bustle of New York on Worth Street.

New Litigation Over Santa Cruz County Ponzi Scheme



CPM represents a group of investors who lost tens of millions of dollars in an alleged Ponzi scheme spearheaded by John Geringer, Chris Luck, and Keith Rode. The plaintiffs allege that the defendants leveraged their stature in the community to induce them to invest their money in the GLR Growth Fund, promising returns through investment strategies. Instead, the money was invested in two privately held technology startups or paid to Geringer, Luck, and Rode. All three have pled guilty in federal court and await sentencing. **Philip Gregory** and **Camilo Artiga-Purcell** of CPM represent the investors.

CPM Joins Trial Team on Tax Shelter Fraud Case

CPM has been asked to join the trial team of Jonak | Pugh in the case of *Rezner v. HVB* for a May 2015 trial in federal court in the Northern District of California. This tax shelter case alleges claims for RICO and Unfair Competition against HVB. CPM has previously prosecuted numerous tax shelter cases, which resulted in confidential settlements. The CPM team is headed up by **Joe Cotchett** and **Nancy Fineman**.

CPM Supports College Athletes Against NCAA



CPM has filed a brief on behalf of Professors of Sports Economics and Management supporting the right of Division I athletes to receive compensation for the use of their likenesses. Division I colleges and the NCAA make billions of dollars from college athletes, but as Judge Claudia Wilken ruled they violate the antitrust laws by denying compensation to the players. The case will soon be heard by the Ninth Circuit Court of Appeals. **Steve Williams** and **Adam Zapala** – a former NCAA Division I player and First Team All-American – authored the brief.

Ongoing Work for Court Funding



Niall McCarthy, along with Paul Kiesel of Los Angeles, began another year as the statewide co-chairs of the Open Courts Coalition. The OCC is comprised of attorneys from all over the state in all areas of practice. Its purpose is to restore court funding in order to allow the courts to fully serve the needs of California citizens. In January, Governor Brown announced increased funding for the California Courts. After 5 years of budget cuts, this will be the third straight year of increased court funding. While courts are still underfunded, the tide has finally turned and we are moving in the right direction toward a fully functional court system.

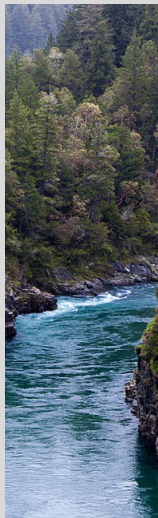
CASE UPDATES

Environmental Case Update:

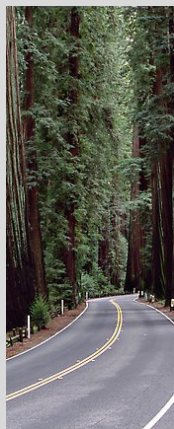
Environmental team is led by **Philip Gregory** and **Pete McCloskey**.

Smith River

In a case of roads v. rivers, CPM halted another Caltrans project. On May 5, 2014, as the result of substantial work by CPM and co-counsel, the Federal Court in San Francisco preliminarily enjoined a Caltrans project to modify two highways in Del Norte County, CA, near the Smith River. The Project had potential impact to coho salmon threatened with extinction and their critical habitat and essential fish habitat for Pacific salmon. CPM assisted in negotiating a stipulated order that provided for the injunction to remain in place even after the case was dismissed. The river prevailed!



Richardson Grove - Cutting Redwoods



CPM and co-counsel filed a second action against Caltrans concerning the Richardson Grove Operational Improvement Project (the "Project"). On December 4, 2014, as a result of this second wave of litigation, the Federal Court order determined there was no Project approval, no certified CEQA document, and no federal NEPA determination. Without further environmental review, a final NEPA determination, and Project approval, the Richardson Grove Project cannot proceed!

HSBC Overdraft Litigation Moves Towards Trial in New York

CPM's attorneys **Joe Cotchett** and **Nancy Fineman** along with its Interim Class co-counsel are moving towards trial in this overdraft fee litigation pending in New York federal court. The complaint alleges that HSBC violated California's and New York's unfair competition acts because the bank implemented an overdraft scheme to increase revenues.



Lowe's Settles Workers Case

On January 12, 2015, Hon. Jeffrey S. White gave final approval to a class action settlement where the Plaintiffs alleged that Lowe's Home Centers, LLC ("Lowe's") misclassified certain installers as independent contractors. Lowe's agreed to pay up to \$6.5 million in settlement of this action. After the claims process concluded, each submitting class member received more than \$3,000. CPM's **Matt Edling** along with attorneys from Block and Leviton, LLP served as co-lead counsel.

LIBOR Manipulation Cases Get Day in New York Court

CPM represents more than a dozen California public entities including The UC Regents against global banks for manipulating the benchmark interest rate used world-wide for setting rates from consumer loans to complex municipal investments. The U.S. Supreme Court ruled that the judge's dismissal of a related LIBOR antitrust complaint is immediately appealable. This is a significant development for antitrust claims in the cases headed by **Nanci Nishimura** with **Matt Edling** and **Alexander Barnett**.

Senator Feinstein Resolves Case with Bank



CPM represented Senator Dianne Feinstein and several other elected officials in the fraud committed by Kinde Durkee in removing money from campaign accounts. **Joe Cotchett** and **Justin Berger** sued First California Bank alleging the aiding and abetting of the fraud and the case recently resolved before trial in Los Angeles.

Major League Baseball's Antitrust Exemption Upheld, Setting Stage for San Jose Appeal to United States Supreme Court



On January 15, 2015, a three judge panel of the Ninth Circuit Court of Appeals in San Francisco 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. As a result, MLB has prevented the A's from exercising an Option Agreement with the City of San Jose and refused to grant permission for the A's to move. The CPM team representing the City of San Jose is **Joe Cotchett**, **Philip Gregory**, **Anne Marie Murphy** and **Frank Damrell, Jr.**

CPM WELCOMES NEW ASSOCIATES



STEWART R. POLLOCK

- University of Virginia, B.A.
- UC Hastings College of the Law, J.D.
- Practice areas:
 - Environmental Litigation
 - False Claims
 - Personal Injury & Wrongful Death - Mass Claims



SHAUNA R. MADISON

- University of California at Davis, B.A.
- University of San Francisco School of Law, J.D.
- Practice areas:
 - Consumer Protection Litigation
 - Elder Abuse
 - False Claims / Whistleblower Law

HONORS FOR CPM

McCarthy Named to the Irish Legal 100



CPM Partner, **Niall McCarthy** was named to the Irish Legal 100 noting his victory on the largest false claims recovery in California history - \$301 million - on the Hunter Laboratories Litigation. The Irish Legal 100 is comprised of some of the most accomplished and distinguished lawyers of Irish descent from all across America including Senators and Supreme Court Justices.

Fineman Appointed President of the Boalt Hall Alumni Association



At the recent alumni reunion weekend, **Nancy Fineman**, the President of the Boalt Hall Alumni Board, introduced Sujit Choudhry, Berkeley Law's new dean, to the reunion classes. Nancy is working with the dean and the Alumni Board to increase alumni engagement and make the cost of law school more affordable.

Justin Berger Joins Board of Housing and Economic Rights Advocates



CPM attorney **Justin Berger** has joined the Board of Directors of a leading Bay Area non-profit, Housing & Economic Rights Advocates (HERA). HERA is a not-for-profit legal service and advocacy organization dedicated to helping Californians — build a safe, sound financial future, free of discrimination and economic abuses, especially in the realm of housing.

CPM Champions the Fight against Elder Abuse



Niall McCarthy and **Anne Marie Murphy** head up CPM's elder abuse practice group. In January 2015, Murphy joined the Board of Directors of California Advocates for Nursing Home Reform ("CANHR"). CANHR is one of the largest and most respected non-profits in the country devoted to the protection of senior citizens. McCarthy's father, former Lieutenant Governor Leo T. McCarthy helped CANHR open its doors in 1983.

Hamilton and LiCalsi Selected as Top 10 Under 40



CPM's **Alexandra Hamilton** and **Joanna LiCalsi** have been selected by the National Academy of Personal Injury Attorneys as one of the Top 10 Under 40 attorneys in California. The organization recognizes the top Personal Injury attorneys in the state.

Gregory Appointed to Samaritan House Board of Directors

CPM Partner, **Phil Gregory** has been appointed to the Board of Directors for Samaritan House. Samaritan House has been serving low-income families and individuals in San Mateo County by providing food, clothing, shelter, health care, worker resources, and counseling services.

Pete McCloskey Honored by Swords to Plowshares



CPM Partner **Pete McCloskey** was honored with the Community Hero award at the Swords to Plowshares 40th Anniversary Veterans Day event. He was awarded this honor for his life of service. McCloskey served in the U.S. Navy from 1945 to 1947, the U.S. Marine Corps from 1950 to 1952 and the Reserves in 1974. As a Colonel, McCloskey was awarded the Navy Cross, Silver Star for heroism in combat and two Purple Hearts in the Korean War. CPM has been a long-time supporter of Swords to Plowshares. He served in Congress for 16 years.

Cotchett and Williams Named Who'sWho Legal 100 List - 2015



Partners **Joe Cotchett** and **Steve Williams** have been named to the Who'sWho Legal 100 list for 2015. Since 1996 Who's Who Legal has identified the foremost legal practitioners in multiple areas of business law. In total, the site features over 16,000 of the World's leading private practice lawyers from over 100 national jurisdictions. **Cotchett was also selected as Titan of the Plaintiffs Bar by Law 360 and ranked #1 - Super Lawyers by his peers in Northern California.**

National Trial Lawyers Honors LiCalsi as One of the Top 40 Under 40 in U.S.



CPM attorney **Joanna LiCalsi** was selected to the National Trial Lawyers Top 40 Under 40. The association recognizes young attorneys under 40 years old who exemplify superior qualifications, trial results, and leadership. Selection is based on a thorough multi-phase process which includes peer nominations combined with third-party research. **LiCalsi has also been chosen to the Consumer Attorneys of California Women's Caucus Board.**



Pitre Selected by "Best Lawyer" as 2015 Lawyer of the Year

Frank Pitre was selected 2015 Personal Injury Lawyer of the Year for the San Francisco Bay Area by Best Lawyer. Best Lawyer is regarded by the legal profession and the public as the definitive guide to legal excellence in the United States.

COMMUNITY ACTIVITIES

Lavorato Presents Award to Judge for Contributions to Veterans



In October 2014, CPM attorney **Chris Lavorato**, President of a newly founded non-profit organization, Veteran Lawyers of San Mateo County, presented its “Watch-Over” award to the Honorable John L. Grandsaert for his selfless service to military veterans through the Veterans’ Treatment Court in San Mateo County. Attendees of the event included judges from the San Mateo County Superior Court, local representatives from veterans’ groups around the peninsula, and members of the Board of Supervisors—David Pine, Don Horsley and Warren Slocum, a U.S. Army veteran.

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CPM Gives Back During the Holidays



CPM staff sorted food for the holidays at the various Food Banks around the bay. The food was to be distributed to struggling communities and families faced with economic distress. CPM lawyers, paralegals, clerks and secretaries volunteered to bag, sort, and inspect food.

大展鴻圖 | 客似雲來

Artiga-Purcell Joins Delegation to El Salvador for Commemoration of Jesuit Massacre

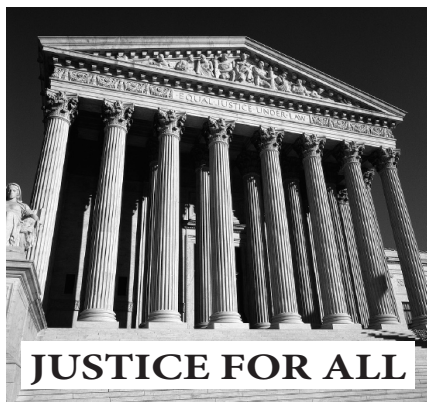


In November 2014, CPM’s **Camilo Artiga-Purcell** participated in a delegation to El Salvador led by the Center for Justice and Accountability (“CJA”). CJA is a human rights organization dedicated to deterring torture and seeking justice for victims. The delegation to El Salvador commemorated the 25th anniversary of the 1989 Jesuit Massacre at the Jesuit University in San Salvador and called on the new government to cooperate with the Spanish National Court’s investigation of the massacre. The 20 member delegation met with Salvadoran Vice President Oscar Ortiz and other senior government officials to discuss human rights, immigration, and the Jesuit Massacre Case, which was filed before the Spanish National Court in 2008.



CPM AIR

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JUSTICE FOR ALL

CASE UPDATES

CONSUMER AND SECURITIES FRAUD

Google, Apple & Intel Litigation Involving Alleged Breach of Duties by Boards



Mark Molumphy



Nancy Fineman



Kevin O'Brien

These three separate cases allege that certain officers and directors of Google, Apple, and Intel entered into illegal agreements not to recruit each other's employees are continuing to proceed in the Santa Clara Superior Court. The underlying lawsuit filed by employees has settled and the parties in that case are seeking court approval for the settlement. These cases seek to hold the directors and officers responsible for breaching their fiduciary duties by entering into and ratifying the agreements. These cases are handled by CPM's **Mark Molumphy, Nancy Fineman** and **Kevin O'Brien**.



Home Warranty Litigation

CPM represents homeowners who purchased home warranty policies in five putative consumer class actions (one class has been certified). The cases are pending in state and federal court and the defendants include Old Republic, Fidelity and First American. The cases allege that the home warranty companies engaged in false and misleading advertising by telling consumers that if a covered system in their house broke (such as an air conditioning unit or an appliance) that they would repair or replace the covered system. In reality when consumers submitted claims, the claims were routinely denied, and almost never did the companies fulfill the promise to replace – instead when they did send a repair person, the repair person was encouraged to deny claims, or make band-aid fixes. The defendants also hired unqualified contractors who would work for below market rates with the understanding that they would mainly make money by charging the homeowners for items that could be claimed to be uncovered by the fine print in the policies. The CPM team is headed up by **Niall McCarthy, Anne Marie Murphy, Robert Hutchinson, Eric Buescher, and Joanna LiCalsi**.

Herron v. Best Buy

When manufacturers tout product attributes that are misleading they need to be held accountable. CPM has joined with co-counsel in bringing a putative class action against Best Buy over misstated battery life in laptops, which has led to consumers experiencing drastically lower battery life (measured in hours) over what was advertised in stores and in newspaper circulars. As alleged, a number of major laptop manufacturers, including Toshiba, marketed and sold laptop computers through Best Buy by claiming that the laptops had battery life "up to" specified numbers of hours but failed to disclose to consumers that the battery life numbers being touted were based on testing that involved far from real life use conditions (including: (i) screen set to 60 nits; (ii) Wi-Fi, Bluetooth, and other wireless functions disabled; and (iii) main processor chip set to 5% to 7.5% of its normal capacity). This case is handled by **Niall McCarthy, Anne Marie Murphy, and Shauna Madison**.



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.

Pro Solutions Consumer Action

In a notable consumer class action, pending in Federal Court, CPM represents a homeowner who was pursued by a debt collector, Pro Solutions, for unpaid Homeowners Association (HOA) dues. The complaint alleges that Pro Solutions violated the Fair Debt Collection Practices Act and other laws by attempting to collect fees and charges that were greater than those allowed by law, and engaged in other illegal debt collection activity. CPM, and co-counsel HERA won a significant victory when the Court denied Pro Solutions' motion to dismiss and found that Plaintiff had met her burden of showing illegal fees. Homeowners who become even a few months late on their HOA dues can find that they are being charged thousands – unfortunately, many cannot meet the demands of the HOA collections companies and lose their homes. This case is managed by **Anne Marie Murphy** and **Shauna Madison**.

ANTITRUST & BUSINESS FRAUD



Steve Williams



Adam Zapala

Freight Forwarding Antitrust

CPM recently filed a motion to approve additional settlements in the Freight Forwarding antitrust class action in federal court in Brooklyn, New York. This case involves a global conspiracy to fix the prices of freight forwarding services – shipments of packages and cargo by air and by sea – by companies such as UPS and DHL. The recently announced settlements will return more than \$200 million which has been recovered for the class so far. The case continues against the remaining defendants.



Frank Damrell



Elizabeth Tran

Transpacific Air Transportation

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.



Demetrius Lambrinos



Joyce Chang

Auto Parts - Price Fixing

This case involves a massive conspiracy to fix the prices of component parts of cars. CPM alleges that these increased prices are then passed on to the consumers who purchase motor vehicles. The first settlements have been announced in this case 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 twenty-nine 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.”



Alex Barnett

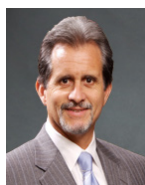


Jaclyn Verducci

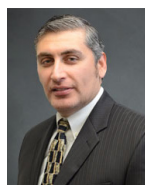
International Arbitrations - Asia

CPM is handling several arbitrations for Asian corporations, including companies headquartered in Beijing. CPM uses its expertise in the American legal system and its experience in arbitration in assisting Asian companies in navigating the United States’ legal system in order to achieve just, efficient, and fair results. These claims including business disputes, contract claims, and intellectual property claims.

MASS INJURIES



Frank Pitre



Ara Jabagchourian



Chris Lavorato



Alexandra Hamilton



Stewart Pollock



Ryan Manuel

Richmond-Chevron Refinery Fire

CPM represents the City of Richmond against Chevron U.S.A. Inc. in connection with a massive oil refinery explosion that paralyzed the City of Richmond. In January 2015, the U.S. Chemical Safety Board released its final report on the fire, finding that Chevron missed multiple opportunities over decades of mismanagement to replace the doomed pipe that caused the leak, blaze, and eventual shut down of the refinery for months. As a result of toxins spewed into the air, over 15,000 residents sought medical help. CPM is in the process of reviewing tens of thousands of documents of Chevron’s files to discover the extent of Chevron’s transgressions.

Oil Pollution of Farm Lands in Kern County

CPM Partners **Frank Pitre** and **Ara Jabagchourian** represent Palla Farms in an action against several oil producers in Kern County. The action alleges that waste water from oil producing activity was improperly disposed of. This has led to the contamination the ground water used by farmers for irrigation with toxic levels of chloride and other substances. As a result, the polluted irrigation water has drastically impacted the health of commercial cherry trees.

Defective Airbags

CPM represents numerous owners of Honda and BMW motor vehicles with defective Takata airbags. The complaint alleges that for over a decade, Takata has known and kept secret that these airbags have a defective inflator component which would rupture during airbag deployment, resulting in firing shards of metal at a high rate of speed at the vehicle occupants. This has resulted in over a hundred people being killed and injured.

Los Angeles Times

Lawsuit Accuses BP of Overcharging California Agencies for Natural Gas

By MARC LIFSHER

NOVEMBER 13, 2014 | REPORTING FROM SACRAMENTO

British energy giant BP, which supplies natural gas to California state agencies under a \$250-million annual contract, overcharged the state by as much as \$300 million over eight years, a lawsuit contends.

The oil company failed to buy gas for the state at competitive prices, the whistle-blower suit says, and then knowingly sold it at inflated prices.

“BP’s management manipulated its profit margin to exceed any reasonable amount of profit and greatly exceeded these contractual caps,” according to the complaint. “The amount of overcharging to plaintiffs on special purchases was rarely less than three times greater than allowed under the contract and was often five to six times the cap.”

The California attorney general’s office has joined the case alleging a violation of the California False Claims Act. The complaint was unsealed Wednesday in San Francisco Superior Court.

According to the state, BP, the exclusive gas supplier to California government agencies, overcharged agencies by as much as 10 times what it billed other bulk-purchase customers between 2004 and 2012.

The suit was originally filed by a former employee of a BP subsidiary company based in Houston. The whistle-blower, Christopher A. Schroen, was a member of a BP team that worked on the company’s natural gas supply account with the California Department of General Services during the eight-year period.

Plaintiffs in the case include the state of California, the county of Los Angeles, the University of California Board of Regents and the Trustees of California State University.

A spokesman for California Atty. Gen. Kamala D. Harris said her office joined the lawsuit because Harris “takes allegations of fraud very seriously.” Harris intervened, spokesman David Beltran said, “to secure accountability and protect California taxpayers.”

BP, through a spokesman, called the charges “meritless,” noting that Schroen was fired more than a year before the suit was first filed.

BP would respond to specific plaintiffs’ complaints at the appropriate time in the legal process, the spokesman said.

California entered into the long-term gas contract with BP as a way to leverage its massive buying power to secure favorable prices and protect itself from unexpected spikes in the cost of natural gas used to heat state buildings, including universities and government office buildings, said Niall McCarthy, a lawyer at San Francisco-based Cotchett, Pitre & McCarthy.

Instead, the state was overcharged between \$150 million and \$300 million on total gas sales of \$2 billion, McCarthy said. BP, he said, padded its billing by exceeding an agreed-upon maximum profit margin of 15%. Then, it hid the excess charges “in an intentionally convoluted fashion so the state could not unwind the transactions.”

What’s more, the state says, BP’s traders only sold California gas from BP sources at inflated prices and “did not obtain natural gas at competitive market prices.”

BP management “had actual knowledge on a daily basis of the fact of overcharging and the significant amounts that were involved,” and the company was billing more to California than it charged similar bulk clients, the state said.

Whistle-blower Schroen was the lowest-ranking member of a small BP team that handled the California contract, the suit said. Upon his hiring in 2004, he “was indoctrinated into the manner in which BP was doing business with DGS” and had “first-hand knowledge” of how BP maximized its profits.

CASE UNDER REVIEW



Niall McCarthy



Justin Berger



Eric Buescher



Shauna Madison



Darren Kelley

Cotchett, Pitre & McCarthy Files Whistleblower Case, Alleging BP Overcharged California for Natural Gas, California Attorney General Joins Lawsuit

California Attorney General Kamala Harris has joined a whistleblower case filed by Cotchett, Pitre & McCarthy against BP (formerly British Petroleum) that accuses the oil company of massive overcharging of California cities, counties, universities, and government agencies on purchases of natural gas over the course of the past decade. As alleged in the lawsuit, BP is the exclusive supplier of natural gas to the State of California's Natural Gas Services ("NGS") program, through which California governmental entities buy hundreds of millions of dollars' worth of natural gas every year. BP's contracts with California contain explicit caps on the amount that BP can charge California for natural gas. In violation of those contractual caps, BP has routinely charged California many times the amount that non-governmental customers were charged.

"Squeezing gold out of that goose" is how one of Defendants' employees closest to the DGS account described transacting with the state. . . . California taxpayers were ultimately overcharged massively. The complaint alleges that this out of state oil corporation used California taxpayers as an ATM machine.

The case was filed in 2012 by a former-employee of BP, under the California False Claims Act. Niall P. McCarthy and Justin T. Berger are handling the case for CPM. CPM is co-counsel on this case with The Steidley Law Firm, James Tynan Kelly PC and Harlan E. Murphy, PLLC, based in Houston, Texas. When the action became public it made national headlines.

Cotchett, Pitre & McCarthy specializes in prosecuting healthcare, financial, defense contractor, and other Qui Tam whistleblower cases.

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



(Article featured on reverse side)

