

ADVOCATES FOR JUSTICE

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CITY OF RICHMOND FILES COMPLAINT AGAINST CHEVRON FOR EXPLOSION IN AUGUST 2012

The **City of Richmond** represented by CPM has sued **Chevron Corporation** and **Chevron U.S.A.** over the Chevron refinery explosion that occurred in August 2012. The complaint alleges Chevron **placed profits and executive pay over public safety** and the 2012 explosion is just a continuation of years of neglect, lax oversight, and corporate indifference to necessary safety inspections. Poor repairs were known to have caused numerous other fires and explosions. The CPM team is led by **Frank Pitre, Christopher Lavorato, Alexandra Hamilton, Victor Luscap, Ryan Manuel and Zyres Aronce.**

COMPLAINT FILED AGAINST MAJOR LEAGUE BASEBALL TO MOVE OAKLAND A's TO SAN JOSE



Mayor Chuck Reed and Joe Cotchett

The **City of San Jose** and **Redevelopment Agency** sued **Major League Baseball** and **Major League Baseball Commissioner Huber "Bud" Selig** alleging that **Major League Baseball** conspired to prevent the **Oakland Athletics**

Baseball Club from relocating to San Jose, in violation of Federal and California antitrust statutes and California law. The CPM team is headed by **Joe Cotchett, Phil Gregory, Frank Damrell, Jr., Steve Williams, Anne Marie Murphy and Camilo Artiga-Purcell.** The case is assigned to Judge Ronald M. Whyte, who will hear motions in October - in the middle of baseball playoffs!



CPM FILES FOR VICTIMS OF ASIANA FLIGHT 214 PLANE CRASH

CPM is representing several families who were aboard **Asiana Airlines Flight 214** that crashed and caught fire while landing at **San Francisco International Airport** on July 6, 2013. Three people were killed and approximately 181 passengers were critically injured. The suit alleges Boeing designed and manufactured the plane, the Boeing 777 with serious defects, such as faulty and inadequate auto-throttle control and warning systems, ineffective low airspeed warnings, and lap-only seat belts in Economy Class. Boeing and Asiana failed to adequately train and supervise the pilots to fly safely. The CPM team is led by **Frank Pitre, Christopher Lavorato, Alexandra Hamilton and Zyres Aronce.** CPM has handled numerous aviation cases around the globe.

SETTLEMENTS



Frank Pitre

\$1.3 BILLION SETTLEMENT APPROVED BY FEDERAL COURT AGAINST TOYOTA FOR SUDDEN ACCELERATION

In July 2013, District Court Judge James Selna granted approval of a historic **\$1.3 billion settlement** in the Toyota sudden acceleration economic loss cases, one of the largest class action settlements in history. CPM, along with its co-counsel, represented a class of purchasers of Toyota cars that lost value because of the sudden acceleration defect. The \$1.3 billion settlement provided substantial financial benefit to the affected class members as this is one of the rare cases in which the class members received a full recovery. In describing the work of class counsel, Judge Selna wrote that "[t]hroughout this litigation, class counsel consistently has demonstrated extraordinary skill and effort." The CPM team was led by **Frank Pitre** and **Chris Lavorato**.



Christopher Lavorato

MEDICAL OVER-BILLING CASE RESOLVES ON EVE OF TRIAL



Niall McCarthy



Eric Buescher



Jonathan Hsieh

Just as trial was set to begin in Federal Court in Los Angeles, the defendants agreed to pay **\$19.4 million** in a medical overbilling case. The settlement returns millions of taxpayer dollars and was one of the largest settlements in 2013 of a **False Claims case** in which the federal government declined to participate. The team was led by **Niall McCarthy**, **Justin Berger**, **Eric Buescher** and **Jonathan Hsieh**.

SAN BRUNO FIRE SETTLEMENTS



With most cases settled, the CPM team headed by **Frank Pitre** along with **Ara Jabaghourian** and **Alexandra Hamilton**, presented the remaining cases to two former California Appellate Court Justices who have been working with the parties to attempt to resolve the cases involving over 300 individuals harmed by the blast. On September 9, 2010, seven people were killed and 38 homes were completely destroyed when a PG&E gas transmission pipe exploded in a San Bruno neighborhood. Lawsuits followed with Pitre and his team named by the court to lead the litigation.

INVESTORS RECOVER \$220 MILLION ON MEDICAL BILLING PONZI SCHEME PAID BY WELLS FARGO & BANK OF NEW YORK



Mark Molumphy

The District Court in Los Angeles granted final approval of one of the largest settlements in United States history against an indenture trustee. **Mark Molumphy** served as Co-Lead Counsel for investors in Medical Capital, a medical receivables company based in Tustin, California. Wells Fargo and Bank of New York Mellon served as indenture trustees for investors, responsible for administering trust accounts where the investor funds were deposited. Medical Capital turned out to be a **massive ponzi scheme** and plaintiffs alleged the banks breached their duties under the trust agreements and disbursed hundreds of millions of dollars to Medical Capital. Wells Fargo agreed to pay \$105 million and Bank of New York Mellon agreed to pay \$114 million to resolve the actions.

Court Grants Preliminary Approval to Settle ORACLE Overbilling Litigation

CPM represents Oracle shareholders, who filed an action on behalf of Oracle relating to its government billing practices for software products. Plaintiffs alleged that Oracle's management improperly allowed Oracle to overbill the U.S. Government by falsely promising the same discounts it offered to favored commercial clients. CPM negotiated a settlement under which Oracle will implement important and new corporate governance provisions going forward.

LEAD PAINT TRIAL ENDS



Brian Schnarr

After almost **13 years of litigation** by CPM representing several counties and cities from San Francisco to Los Angeles and San Diego. A six-week court trial to the court ended in mid-August. The issue is the toxic effects of lead paint on children from the residue of older pre-1978 homes for an abatement of the public nuisance. The case was tried by **Joe Cotchett**, **Nancy Fineman**, **Brian Schnarr** and team from CPM, along with co-counsel and public counsel. A decision is expected in 90 days.

MAJOR RECENT FILINGS



Alexandra Hamilton

HUGE APARTMENT COMPLEX FIRE PUTS HUNDREDS OUT ON STREETS

CPM represents dozens of tenants who fell victim to the June 2013 blaze to a major apartment complex fire in Redwood City. The apartment served low-income tenants, including many seniors and those with mental and physical disabilities. The complex did not have a safety sprinkler system, resulting in the entire complex being gutted, causing dozens of tenants to lose all of their possessions and property. CPM team led by **Ara Jabaghourian** and **Alexandra Hamilton**.



Jennifer Crutchfield

HEWLETT PACKARD'S LITIGATION BY SHAREHOLDERS AGAINST BOARD

In November 2012, HP announced that it was writing down **\$8.8 billion** in shareholder value, after the failed acquisition of Autonomy. HP blamed this write-down on fraud perpetrated by Autonomy executives. The CPM team, which is headed by **Joe Cotchett, Mark Molumphy, Aron Liang, Matthew Edling** and **Jennifer Crutchfield**, filed a consolidated complaint on behalf of all derivative plaintiffs. The complaint alleges that the board of directors failed to conduct any real due diligence on the Autonomy acquisition and the purported accounting improprieties. The HP response is due January 2014.

CASE UPDATES



Nancy Fineman

CPM Appointed Co-Lead Counsel in HSBC Bank Fees Litigation in New York

CPM's **Nancy Fineman** and **Aron Liang** were appointed interim Co-Lead Counsel, along with Cuneo Gilbert & LaDuca and two other law firms in a class action against HSBC Bank USA for manipulating when charges are posted to a customer's account in order to maximize the number of overdraft fees that could be charged. HSBC does this by manipulating when charges are posted in "highest-to-lowest" order over a period of several days so that more transactions result in an overdraft fee. This allows HSBC to maximize the number of overdraft fees it can charge.



Aron Liang

U.C. BOARD OF REGENTS AND SAN DIEGO ASSOCIATION OF GOVERNMENTS FILE LIBOR INTEREST MANIPULATION CASES



Nanci Nishimura and her team filed complaints against several U.S. and foreign banks for manipulating the London Interbank Offered Rate, the benchmark interest rate paid on investments and borrowings. As a result of the LIBOR manipulation, many California public entities have received reduced interest payments on interest rate swaps, bonds, and other investments that had interest rates set to LIBOR. There are more than \$2.5 billion in penalties to date; Barclays paid \$450 million after admitting it manipulated LIBOR with other LIBOR banks; UBS paid more than \$1.5 billion; and Royal Bank of Scotland agreed to pay \$610 million. In December 2012, a former UBS and Citigroup trader was indicted by the U.S. ; In June 2013, he was criminally charged by British prosecutors for LIBOR manipulation involving eight LIBOR member banks. Charges against numerous others are pending. According to Nishimura, "California public entities have billions of dollars in investments with interest rates set to LIBOR. Damages resulting from this global interest rate manipulation could run in the tens of millions of dollars, if not more." The CPM team is led by **Nanci Nishimura, Steve Williams, Aron Liang, Ian Atkinson-Young** and **Esther Labrado**.

BRITISH PETROLEUM GULF OILSPILL SECURITIES CASE IN HOUSTON



Matthew Edling



Bryan Payne

Depositions are proceeding as CPM seeks to prove allegations that BP and its highest officers misrepresented the safety of BP's operations and ability to respond to the oil spill after the Deepwater Horizon explosion. The U.S. District Court for the Southern District of Texas scheduled the hearing on class certification for November 2013. **Mark Molumphy, Joe Cotchett, Matthew Edling** and **Bryan Payne** of CPM and the Mithoff Law Firm represent lead plaintiffs along with the New York State Common Retirement Fund and the Ohio Public Employees Retirement System. Trial is set for August 2014.

大展鴻圖 | 客似雲來

CASE UPDATES

SUCCESSFUL APPELLATE ARGUMENT FOR NURSES IN PAY DISPUTE



Justin Berger successfully argued before the California Court of Appeals against a defendant's attempt to force a group of nurses in Southern California to arbitrate their claims against a large hospital chain for failure to pay overtime. The published Court of Appeals' decision, which is of great importance to all California consumers and workers, is entitled: *Avery v. Integrated Healthcare Holdings, Inc.* (2013) 218 Cal. App. 4th 50. Nurses all over California will now get their day in court.

NEW APPOINTMENTS

JABAGCHOURIAN NAMED LEGAL AID SOCIETY BOARD MEMBER



The Legal Aid Society of San Mateo County named CPM partner, **Ara Jabagchourian**, a new Board Member. The Legal Aid Society is a private, non-profit law firm that provides free legal services to disadvantaged people in San Mateo County and the peninsula.

DAMRELL APPOINTED TO BOARD OF THE FOUNDATION FOR DEMOCRACY AND JUSTICE BY THE CHIEF JUSTICE OF CALIFORNIA



Hon. Frank Damrell, Jr. (Ret.) was recently appointed by **Chief Justice Cantil-Sakauye** to the Board of the **Foundation for Democracy and Justice**. The ten member board is chaired by Former State Supreme Court Justice Carlos Moreno, Mark Yudoff, Former President of the University of California, Larry Kramer, Former Dean of Stanford Law School and President of the Hewlett Foundation and Joe Dunn, Executive Director of the State Bar of California. The goal of the Foundation is to educate the public about the roles, responsibilities of the three branches of government with an emphasis on the need for an impartial and effective judiciary.

MAJOR FINANCIAL SCHEMES PLAGUING SENIORS

CPM lawyers are going after enterprises and people who swindle money from seniors. Examples include:

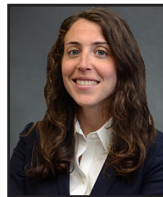
- Real estate brokers offered seniors the opportunity to invest in bridge loans for residential home buyers with returns of 10-15%. However, the home buyers do not exist and the funds go to finance the brokers' habit, including lavish lifestyles;
- A trustee responsible for tens of millions in trust funds allowed friends to improperly disburse over \$15 million from the various trusts to invest in now-defunct technology companies;
- A bay area investment firm, using banks as references, induced retirees to entrust their savings with the firm, promising to invest the funds in public companies. In fact, the funds were invested in two small start-ups.

Always make sure you carefully investigate any investment and then be vigilant in tracking how your investment is performing. **Phil Gregory** heads up the team of **Camilo Artiga-Purcell** and staff.



Philip Gregory

LiCALS APPOINTED TO BAY AREA LAWYERS FOR INDIVIDUAL FREEDOM JUDICIARY COMMITTEE



CPM associate, **Joanna LiCalsi**, has been appointed to the Bay Area Lawyers for Individual Freedom's (BALIF) Judiciary Committee - the nation's oldest and largest bar association of lesbians, gay men, bisexuals, and transgendered persons in the field of law. One of BALIF'S core missions is to increase representation of LGBT judges on our state and federal courts.

RING OF FIRE T.V. SHOW

CPM attorneys appear Sunday mornings on the nationally syndicated show, **Ring of Fire**, to discuss legal matters which are at the forefront of today's society. The show is hosted by **Robert Kennedy, Jr.** and **Michael Papantonio** and features other lawyers and elected officials around the country. Available on Channel 348 for DIRECTV subscribers.



Camilo Artiga-Purcell

ELDER ABUSE LITIGATION PANEL FEATURING ARTIGA-PURCELL AND MURPHY BY LA RAZA CENTRO LEGAL

CPM's **Camilo Artiga-Purcell** moderated a panel on Elder Abuse Litigation sponsored by **La Raza Centro Legal**. La Raza Centro Legal is a nonprofit organization dedicated to providing legal services to San Francisco's Latino, immigrant, and low-income communities. Panelists included Mort Cohen and CPM's **Anne Marie Murphy**. Murphy discussed ethical issues in elder abuse litigation and strategies to obtain preference for trials in elder abuse cases given the court funding crisis.



Anne Marie Murphy

CHINESE DELEGATE VISIT LI CHANGLE - BEIJING



CPM was honored to have **Li Changle** visit from the **People's Republic of China**. Li is a lawyer in the Legislative Affairs Office of State Council. Li is also assigned to the China Academy of Social Science, researching human rights protection during the criminal pretrial process. During his stay, he attended attorney events, hearings, sporting events and meetings in Silicon Valley. Every year, CPM hosts Chinese delegates through the International Academy of Trial Lawyers. Shown above is Li with U.S. Rep. Jackie Speier and Rep. Eric Swalwell.

COMMUNITY ACTIVITIES

CPM VOLUNTEERS FOR 2013 REBUILDING TOGETHER PROGRAM



CPM Facilities Manager **Debbie Mitchell** heads up CPM's team for the annual **Rebuilding Together**, the nation's leading nonprofit, working to preserve affordable homeownership and revitalize communities for low-income homeowners. CPM helped restore an elderly woman's home in San Mateo by sanding, painting, gardening and cleaning. The happy homeowner said CPM has "taken so much stress from my life and given me faith in mankind again."

GLOVES ACROSS THE BAY FOR KIDS & BASEBALL



Joe Cotchett, Former Congressman **Pete McCloskey**, U.S. Rep **Jackie Speier**, D-San Mateo, Lefty O'Doul's nephew **Tom O'Doul** and Richmond Little Leaguers attended Lefty O'Doul's Kids Foundation "Gloves Across The Bay" event at **Nick Bovis' Broadway Grill** in Burlingame. They raised \$15,000 for Coach Gary's Richmond A's Little League team after the league had their equipment stolen earlier this year.



TROOP DONATIONS:
CPM continues to ship goods to the 2nd Cavalry Regiment's Stryker Brigade in Afghanistan. The Stryker Brigade is currently on a one-year deployment to the Masum Ghar Province, Afghanistan. **Darren Kelley**, a senior paralegal and former 82nd Airborne paratrooper, heads up program along with former Congressman **Pete McCloskey**.

MARRIAGE EQUALITY AWARDS RECEPTION



CPM attorneys - **Joanna LiCalsi** and **Jennifer Crutchfield** - attended The **Marriage Equality USA** San Francisco Awards Reception - an event that brings together LGBT community members, leaders and others to raise funds for and highlight contributions to the marriage equality movement - shown above with **Lt. Gov. Gavin Newsom**.

DIVERSITY COALITION FOR CHILDREN



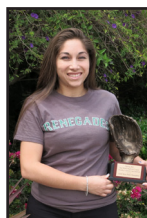
CPM Staff and Attorneys volunteered all day for a Pre-School Beautification program organized by the **Asian American Bar Association** (Pictured). CPM volunteers used elbow-grease and community spirit to paint, landscape, clean, and do construction and repair work at a Pre-School Center in San Francisco. **Ryan Manuel**, a senior paralegal at CPM for several years, heads up multiple diversity programs in the Bay Area for children and families in need. Ryan is a graduate of U.C. Santa Barbara in global studies. He is a marathon runner, President of the Filipino Club and member of the Asian Law Caucus.



COTCHETT, PITRE & MCCARTHY 2013 SPRING CHAMPIONS

*San Mateo Regional League
Corporate Coed*

**Team Captain -
Valerie De Los Santos of CPM**

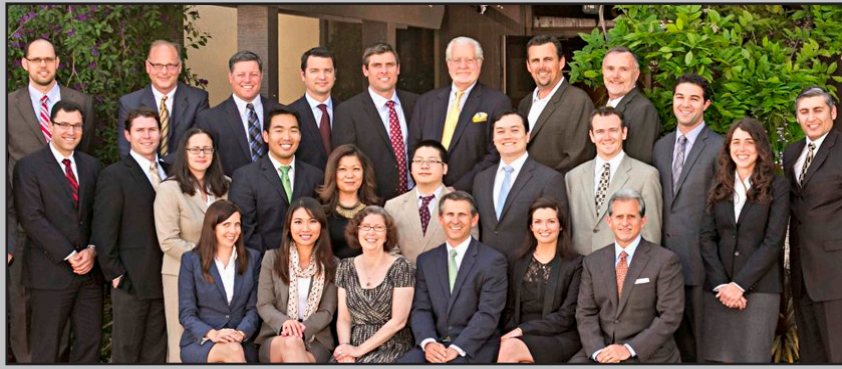


CPM 2013 BAY TO BREAKERS RUNNERS PAY TRIBUTE TO BOSTON MARATHON



During this year's Bay to Breakers race, CPM runners donned t-shirts printed with "**Cotchett, Pitre & McCarthy honors the Boston Marathon**" to pay their respects to victims of the horrible tragedy in Boston. CPM also donated money to The One Fund to help those families most affected.

HONORS FOR CPM ATTORNEYS AND STAFF



CPM Lawyers Named to Super Lawyers 2013 List for Northern California Attorneys

Northern California *Super Lawyers* magazine has once again recognized CPM for its innovative approach to litigation out of almost **80,000** lawyers in Northern California. Ten CPM attorneys—more than a third of the firm's attorneys—have been hon-

ored in **2013 Super Lawyers**. In addition, Senior Partner **Joseph Cotchett** was ranked **number one** on the **Top 10** list out of 80,000 by his peers. **Frank Pitre** and **Niall McCarthy** were ranked in the **top 100 out of 80,000**. Also, lawyers **Justin Berger**, **Nancy Fineman**, **Philip Gregory**, **Ara Jabaghourian**, **Mark Molumphy**, **Anne Marie Murphy**, **Nanci Nishimura** and **Steven Williams** were ranked Super Lawyers. Another five of the firm's attorneys were chosen to the **Rising Stars** list – **Eric Buescher**, **Matthew Edling**, **Aron Liang**, **Bryan Payne** and **Brian Schnarr**.

COTCHETT NAMED THE DAILY JOURNAL'S TOP 100 ATTORNEYS IN CALIFORNIA FOR 2013

For the **sixteenth consecutive year**, Senior Partner **Joe Cotchett** has been named one of *The Daily Journal's* **Top 100 Attorneys in California**. This list aims to honor the 100 California attorneys doing the most cutting-edge work in business, civil, criminal and non-profit practices. Cotchett has been on the Top 100 list in California since the inception of the ranking.



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"Our lives begin to end the day we become silent about things that matter."

- Dr. Martin Luther King

ADVOCATES FOR JUSTICE SPOTLIGHT:

ANTITRUST AND UNFAIR COMPETITION



Steve Williams



Nancy Fineman



Frank Damrell, Jr.



Adam Zapala



Gene Kim



Elizabeth Tran



Joanna LiCalsi

A foundation of the United States' economy is competition in the marketplace. After abuses by companies and monopolists in the Nineteenth Century, many states and the federal government enacted antitrust and unfair competition statutes intended to protect consumers, competition, and the economy from predatory conduct by powerful businesses. The federal law is known as the Sherman Act. California's state law is known as the Cartwright Act.

Recent years have seen an unprecedented wave of international price-fixing conspiracies victimizing consumers and government entities throughout the world. Because of the expansion of global commerce, price-fixers gain billions in illicit revenue by manipulating prices. Consumers and government entities are the direct victims of these illicit practices. The following are a **few examples** resulting in millions of dollars recoveries for consumers and public entities of the antitrust and unfair competition cases that the firm has handled in recent years:

Natural Gas Antitrust Litigation

CPM led the prosecution of these cases on behalf of private companies and public entities. During the early part of this decade, ruthless energy companies blatantly manipulated the energy markets, specifically in relation to electricity and natural gas. CPM's advocacy on behalf of its clients led to a landmark decision, *E. & J. Gallo Winery v. Encana*, that permitted the recovery of millions of dollars of illicit overcharges. **Joe Cotchett**, **Nanci Nishimura** and **Nancy Fineman** led the cases.

Lithium Battery Antitrust Litigation

CPM was appointed Co-Lead Counsel for the class of consumers of products containing rechargeable lithium ion batteries. These batteries are a substantial component of products such as cell phones and laptop computers. The case alleges that the major manufacturers of these products conspired to raise their prices for many years. **Steve Williams**, **Nancy Fineman**, and **Joanna LiCalsi** are heading up the CPM team.

Freight Forwarders Antitrust Litigation

In August, the District Court in New York granted final approval for \$113 million in settlements in this **international price-fixing conspiracy** case involving the freight forwarding industry. Plaintiffs allege that the defendant companies engaged in shipping goods throughout the world colluded to raise prices. The CPM team is headed by **Steve Williams** and **Adam Zapala**.

Major League Baseball / San Jose Litigation

In July, the City of San Jose filed an antitrust action against Major League Baseball for alleged antitrust violations for refusing to allow the Oakland A's to move their franchise to San Jose. The CPM team is **Joe Cotchett**, **Phil Gregory**, **Frank Damrell, Jr.**, **Steve Williams**, **Anne Marie Murphy** and **Camilo Artiga-Purcell**.

“Free and open competition is fundamental to the well-being of our society. One of our firm’s primary goals is helping to further these values by using the tools given to us by our Legislature to vindicate the victims of price-fixing, and to bring the wrongdoers to court.”

- Adam Zapala

Auto Parts Antitrust Litigation

This massive antitrust case involves **international conspiracies** to fix the prices of dozens of parts for new cars. Consumers end up paying the overcharges which are passed on to them by the auto makers. **Steve Williams, Frank Damrell, Jr., Gene Kim, and Elizabeth Tran** are playing key roles in the prosecution of these numerous cases.

New Car Shipping Antitrust Litigation

This case alleges **an international conspiracy** by the major shipping companies to inflate the charges for bringing new cars into the United States. The inflated charges are ultimately paid by the purchasers of new cars. **Steve Williams and Elizabeth Tran** are helping to lead this case for CPM.

In re Static Random Access Memory (“SRAM”) Antitrust Litigation

The consumer products and electronics industries have been subject to repeated acts of price-fixing. CPM led this case in which class members recovered overcharges imposed on them for the purchase of SRAM chips, a vital component in computers and cell phones.

Freight Forwarders Antitrust Litigation

This case involves a **world-wide conspiracy** to fix prices for the shipment of goods by air and ocean. The conspiracy began just after the tragic events of 9/11, with the defendants using that event as impetus to orchestrate coordinated charges to their customers. The work done by CPM and its co-counsel have led to significant recoveries on behalf of customers of freight forwarding companies.

Air Passenger Antitrust Litigation

This case involved a conspiracy between Virgin Atlantic and British Airways to impose charges on their customers. The conspiracy caused damages to air passengers throughout the world. **Joe Cotchett and Steve Williams** led the CPM team that resulted in a settlement that exceeded \$200 million.

In re Webkinz Antitrust Litigation

In this case a local merchant asked for CPM’s assistance in responding to what it believed was inappropriate pricing of a popular children’s toy. CPM led the case, and was able reach a settlement that benefited all purchasers of the toys.

These are just a few of the cases handled by CPM - one of the leading firms prosecuting antitrust cases. The firm has prosecuted these cases for over forty years, and collectively has over a hundred years of experience in antitrust law. The firm is presently Co-Lead Counsel in some of the largest antitrust cases in the world, each involving world-wide conspiracies.

CPM IS PRESENTLY INVESTIGATING ANTITRUST AND UNFAIR COMPETITION CLAIMS INVOLVING FINANCIAL PRODUCTS AND SERVICES, PRECIOUS METALS, AND PHARMACEUTICALS.