

ADVOCATES FOR JUSTICE

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MURPHY APPOINTED TO CALIFORNIA COMMISSION ON ACCESS TO JUSTICE



Anne Marie Murphy has been appointed to the California Commission on Access to Justice. Murphy will serve as the Consumer Attorneys of California (CAOC)

appointee to the Commission. The Commission plays a vital role in bringing together the three branches of government: judges, lawyers, and civic and business leaders to find long-term solutions to the chronic lack of legal assistance available to low-income and vulnerable Californians. Murphy handles whistleblower and public finance fraud cases at CPM. Murphy is a graduate of Vassar University and received her law degree from Georgetown Law School.

BRITISH PETROLEUM (BP) GULF OIL SPILL SECURITIES CASE FILED



Mark Molumphy and his team of **Matt Edling**, **Intiaz Siddiqui** and **Jordanna Thigpen** are working on a securities class action against BP, plc, on behalf of investors who suffered huge financial losses as a result of BP's alleged misrepresentations about the safety of its deepwater drilling operations in the Gulf of Mexico. The case is pending in the USDC - Houston. Molumphy received his BA from UC Berkeley and law degree from USF.

McCARTHY AWARDED 2010 COMMUNITY AWARD BY SANTA CLARA LAW CENTER



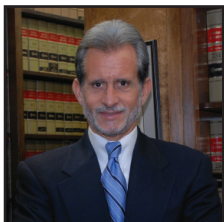
Niall McCarthy was presented with the **2010 Community Award from the Santa Clara University Community Law Center** on October 28, 2010 for his outstanding work in the consumer rights area and in supporting organizations in the local community. This award is given to a firm, organization, or individual who has consistently demonstrated a commitment to serving the underprivileged of our society. The event took place at the Adobe Lodge on the campus of Santa Clara University. McCarthy is a graduate of UC Davis and Santa Clara Law School. He is the **President-Elect of the Consumer Attorneys of California.**

SUPREME COURT LEAD PAINT DECISION LEVELS PLAYING FIELD FOR CALIFORNIA CITIES AND COUNTIES

On July 26, 2010, the California State Supreme Court issued a decision in a lawsuit filed by Santa Clara County and joined by other cities and counties against the lead paint industry. The court ruled that local governments can hire Cotchett, Pitre & McCarthy and others under contingency fee arrangements to pursue lawsuits under California's public nuisance laws. **Frank Pitre** said, "The Supreme Court's decision assures a level playing field when our local government utilizes the civil justice system to protect the interests of the public from abuse by more powerful and well-financed industry giants." The decision is particularly important in light of recent revelations of how Wall Street raided the treasuries of state and local governments with a plethora of investment products touted as safe and secure, but in actuality were known to be junk. **Nancy Fineman** said, "The opinion reaffirms the right of public entities to hire private counsel on a contingent fee basis to provide their expertise and experience in assisting public entities in remedying these wrongs." Pitre received his BS and law degree from the University of San Francisco. Fineman received her BA from UC Berkeley and law degree from Boalt Hall School of Law.



SAN BRUNO PIPELINE EXPLOSION CASES FILED AGAINST PG&E



Frank Pitre, **Ara Jabagchourian** and **Niki Okcu** represent nearly **three dozen families** against PG&E as the victims of the San Bruno pipeline explosion which occurred on September 9, 2010. Many of the victims lost family members, were severely burned, lost their homes, or had extensive damage to their homes. The natural gas-fed explosion carved a huge crater and sent flames shooting 85 feet into the air. The fire killed eight people and injured dozens more, and destroyed or damaged several dozen homes. More than 100 residents were evacuated from the 10-acre fire to emergency shelters and nearby hospitals.



The San Bruno blast was the second in two years involving a PG&E gas line in Northern California to cause death and injury, and came days after the utility received several reports of natural gas odors from residents but failed to respond. The lawsuits accuse PG&E of negligence, nuisance, and other claims. The complaints allege that PG&E is responsible for more than 58 significant natural gas leaks and resulting property damage of millions of dollars in California since 2002, according to US government statistics compiled by the Pipeline Safety Trust, a nonprofit advocacy group in Bellingham, Washington. Those incidents include a Christmas Eve 2008 rupture in the Sacramento suburb of Rancho Cordova that killed one man and injured two other people, according to the Pipeline Safety Trust. The 2008 blast occurred months after state regulators cited PG&E for failing to adequately train its workers to recognize potentially dangerous leaks. More than 60 percent of natural gas lines are 40 years or older and lack anti-corrosion coatings that could have prevented the degradation that led to pipeline failures and explosions, the Trust said in a recent analysis.



**COTCHETT NAMED
“TOP 100” ATTORNEYS
IN CALIFORNIA FOR
13TH CONSECUTIVE YEAR**

Joseph Cotchett has been selected a “Top 100” attorney for the 13th year in a row by the editors of *The Daily Journal*. Cotchett represents numerous California cities, counties and public entities in more than 20 antitrust lawsuits in federal court in New York alleging that banks bid rigged municipal bonds. The Daily Journal’s Top 100 list recognizes the best lawyers selected by their peers in California. Cotchett is an Engineering graduate of Cal Poly and UC Hastings Law School. He is also a retired United States Army Reserves Colonel in JAG and Airborne Special Forces.

**COTCHETT GIVEN FR. ALFRED BOEDDEKER
AWARD FROM ST. ANTHONY’S FOUNDATION**

On September 9, 2010, Joseph W. Cotchett was awarded the Fr. Alfred Boeddeker Award from St. Anthony Foundation at a special luncheon and awards ceremony. This honor is given to those who support St. Anthony’s mission and work in servicing the poor and homeless. St. Anthony Foundation’s mission is to feed, heal, shelter, clothe, lift the spirits of those in need, and create a society in which all persons flourish. They are committed to providing the poor with basic needs and services. St. Anthony Foundation was founded by Fr. Alfred Boeddeker, a Franciscan friar who founded humanitarian programs to aid the poor and marginalized in the San Francisco Bay Area. One of Fr. Boeddeker’s greatest sayings: “The great activity of our life is to love.”

**MONTANA POWER
LITIGATION**

In September 2010, litigation involving the collapse in 2003 of Montana Power Company, once Montana’s largest company, finally ended with the payment by numerous defendants of over \$100 million. Joseph Cotchett and Nancy Fineman, along with Montana attorney Mark Baker, represented the bankruptcy trustee of Montana Power’s successor. In an action litigated in Montana federal court, they filed suit against Goldman Sachs and Milbank Tweed for their part in the company’s collapse. Joe Cotchett said, “Corporate greed rather than sound business decisions transformed Montana Power from a successful utility company to a bankrupt telecommunications company. This case should be a lesson to decision makers who put Wall Street’s values ahead of the values of Main Street.”

**CALIFORNIA COUNTIES AND CITIES
BENEFIT FROM RULING BY
WASHINGTON FEDERAL JUDGE**

In October, a federal judge in Seattle rules that various counties and cities represented by Mark Molumphy of CPM may proceed with litigation against Washington Mutual executives and WaMu’s accountant, Deloitte. The judge ruled that the cities and counties, which purchased WaMu bonds, could pursue claims under California state law based on alleged misrepresentations about WaMu’s exposure to subprime loans. WaMu was taken over by JP Morgan Chase after revealing devastating losses from its subprime portfolio.

**CPM REPRESENTS RESIDENTS AGAINST
STATE ON CUTTING REDWOODS IN
RICHARDSON GROVE**



In October, Phil Gregory and team filed a Federal action in San Francisco to block the state from cutting redwoods to widen a state highway through an ancient grove of redwoods. The case follows a state court case filed previously in San Francisco.

**NISHIMURA ELECTED TO SERVE
AS VICE PRESIDENT
FOR CALIFORNIA WOMEN LAWYERS**



Nanci E. Nishimura was recently elected to serve as the Second Vice-President for the California Women Lawyers (CWL) for the 2010-2011 term. She was voted as one of the top 100 women lawyers in California for 2010. She was also recently re-elected to continue as the District 3 Governor serving San Mateo, Alameda, Santa Clara, and Contra Costa Counties and is also chair of CWL’s International Committee. CWL is the only statewide bar association for women in the State that promotes the advancement of women in the legal profession and actively advocates for the concerns of women in society. Since 1974, CWL has advanced the interests of more than 30,000 women in all facets of the law, including lawyers, students, educators, legislators, and judges. Nanci received a BA and Masters from USC and a law degree from the Columbus School of Law at the Catholic University in Washington, D.C.

**EDLING FINALIST FOR STREET FIGHTER BY
CONSUMER ATTORNEYS OF CALIFORNIA**



Matt Edling was selected as a finalist for the 2010 Street Fighter of the Year Award by the Consumer Attorneys of California (“CAOC”) for his work on behalf of an elderly investor placed into unsuitable investments. A FINRA panel awarded Edling’s 87 year old client a substantial recovery finding that a large financial institution’s behavior was negligent and that its financial advisors breached their fiduciary duties to Edling’s client. He will be honored at CAOC’s Annual Installation Dinner this November in San Francisco. Edling is a graduate of Cal Poly and UC Hastings Law School.



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Administrator
&
Office
Manager



Karin Yee-Fajardo
Assistant
Office
Administrator



Cecile Meyer
Chief
Financial
Officer



Joyce Enriquez
Assistant
Financial
Officer

ARMENIAN GENOCIDE LAWSUIT ON BEHALF OF ARMENIAN VICTIMS

On July 29, 2010, **Ara Jabaghourian**, along with Los Angeles attorneys Mark Geragos and Brian Kabatek, filed a multi-million dollar class action lawsuit in the Central District of California against the Republic of Turkey on behalf of Armenians seeking compensation for confiscated properties and belongings as a result of the Genocide of 1915-1923. The lawsuit targets the Central Bank of Turkey and the Ziraat Bank as financial instruments of the Turkish Government. The complaint charges the Republic of Turkey and its predecessor, the Ottoman Empire, of “confiscating, selling and deriving income from real estate and personal property” that was owned by hundreds of thousands of Armenians who were killed during the Genocide.

REBUILDING FOR THE CHILDREN - PLAYGROUND IN A DAY



On Saturday, July 31, 2010, **Cotchett, Pitre & McCarthy** attorneys, paralegals, law clerks and staff participated alongside 390 volunteers from the City of Daly City, KaBOOM!, the Foresters and the Mid-Peninsula Boys & Girls Club (MPBGC) to build a “playground in a day” which benefitted the MPBGC’s Bayshore Heights club location. KaBOOM!, a national non-profit, is dedicated to saving play for America’s children. Their mission is to create a great, safe place to play within walking distance of



every child in America. The CPM team this year was headed up by senior paralegal and MPBGC board of director member, **Darren Kelley**, attorneys **Justin Berger** and **Neil Swartzberg**, case assistant **Mallory Barr**, administrative assistant **Rey Tanada** and summer law clerk **Kyle Morishita**. Through CPM’s efforts, MPBGC was the recipient of a *cy pres* award of over \$37,000 in recent years along with hours of community service.

PLANE CRASH IN PALO ALTO FILED FOR TESLA EMPLOYEES



On February 17, 2010 a Cessna 310R took off from the Palo Alto Municipal Airport and collided with power lines, then crashed into multiple homes, narrowly missing a day care center. All three people onboard were killed. **Frank Pitre** and **Niki Okcu** represent one of the victims who was also a Tesla Engineer in the San Mateo County Superior Court lawsuit. Pitre contends in the lawsuit, “This plane crash could have been avoided if the owner and operator of the aircraft, Douglas Bourn, demonstrated concern for the safety of his passengers - instead of blatant disregard for his lack of recent flying experience, poor weather and the condition of his aircraft.” Pitre has previously handled numerous aviation cases such as **Alaska Airlines MDL No. 1343**, **Singapore Airlines MDL No. 1394**, **PSA Flight 1771** and numerous other fixed wing and helicopter cases.

BERGER & EDLING TEACH ELDER ABUSE LAW



On September 28, 2010, attorneys **Justin Berger** and **Matt Edling** spoke about the basics of elder abuse law at Ropers, Majeski, Kohn & Bentley. They spoke about handling cases involving the physical and financial abuse of elders and the new law in the area. Berger received his BA from Yale University and law degree from Boalt Hall School of Law.

CPM RECOVERY EXCEEDS \$37 MILLION IN TECHNOLOGY CASE



A CPM team headed by **Joe Cotchett** and **Steve Williams** has successfully prosecuted an antitrust class action in the SRAM Antitrust Litigation. Plaintiffs allege that from November 1996 through December 2005, leading technology companies, including Samsung, Cypress, Toshiba and Hitachi, conspired to fix, raise and maintain the prices of SRAM, a memory chip used in a wide variety of computer and consumer electronic products. As lead counsel for the direct purchaser plaintiffs, CPM reached separate settlements with seven sets of Defendants (Etron, Hynix, ISSI, Micron, NEC, Renesas-Hitachi-Mitsubishi and Toshiba), which together total over \$37 million. These settlements were approved by the court in July 2010. The case is set for trial in early 2011.

NATIONAL FARM INSURANCE LITIGATION

Joseph Cotchett, **Nancy Fineman** and **Niki Okcu** are working to implement an order of the federal court in Los Angeles ordering a return of an insurance company as restitution because of an erroneous breach of contract judgment against their clients. The plaintiff had executed on the judgment and took over our clients’ insurance company before the appeal was decided. The Ninth Circuit Court of Appeals reversed the judgment finding that the trial court erred in submitting the case to the jury because the contract required all parties sign the agreement before it became binding and several signature lines were left blank. The parties never formed a valid contract and none of the parties could be liable under its terms. As a result, the client will be receiving their insurance company back in addition to the profits they lost and all costs.

GROSS FIGHTS AGAINST MINING IN EL SALVADOR FOR LOCAL COMMUNITIES



Stuart Gross has been tapped to join a three-person team of international investment law experts organized by the Center of International Environmental Law (“CIEL”) to represent La Mesa Nacional Frente a la Minería Metalica in El Salvador (the National Working Group against Mining in El Salvador) as *amicus curiae* in two cases brought by North American mining companies against the government of El Salvador, under the Dominican Republic Central American Free Trade Agreement (“CAFTA”) at the International Center of the Settlement of Investment Disputes (“ICSID”) in Washington, DC. The cases challenge the El Salvadoran government’s continued authority under CAFTA to restrict mining activities in its territory based on environmental and social concerns. La Mesa represents a broad coalition of local community groups in El Salvador opposed to the expansion of mining in their country. Gross is a graduate of Wesleyan University and Michigan Law School.

**JABAGCHOURIAN HONORED BY
CALIFORNIA STATE UNIVERSITY - FRESNO**



Ara Jabagchourian was selected as California State University, Fresno's **Distinguished Alumni** by the College of Arts & Humanities. The College of Arts and Humanities is known for the strength of its undergraduate and graduate degrees and for the excellence of its support to other majors throughout the University. Jabagchourian was a former staff attorney at the Federal Trade Commission before CPM.

**CPM DISTRIBUTES CY PRES AWARDS
TO NON-PROFIT ORGANIZATIONS**

Cotchett, Pitre & McCarthy has once again distributed *cy pres* awards in California to a range of worthy non-profit charitable organizations in need. *Cy pres* awards are funded with money from class action settlements, either the residual funds that are left after the settlement proceeds are distributed to class members, or by court order under the rules of procedure when class members cannot be identified. Most recently, **Nanci Nishimura** obtained a court order to distribute residual funds from a class action settlement to veterans, legal aid, and child advocacy organizations, including: Bet Tzedek Legal Services Union, Swords to Plowshares Veterans Rights Organization, Legal Aid Foundation of Los Angeles, CASA of Los Angeles, Friends of the Children San Francisco, just to name a few. In the past few years, CPM has obtained millions of *cy pres* dollars for non-profits.

**McCLOSKEY HONORED WITH SIERRA CLUB'S
ENVIRONMENTAL HERO'S AWARD**



Pete McCloskey was honored with the Sierra Club's first Environmental Hero Award for exemplifying its mission of advocacy for the environment. During his acceptance speech, McCloskey spoke about the environmental challenges of our time. As a former member of Congress, McCloskey was co-founder of the first Earth Day and co-authored the Endangered Species Act. He graduated from Stanford University and Stanford Law School. Following Stanford, he entered the Marine Corps and served in the Korean War. A recipient of the **Navy Cross** for extraordinary heroism, the **Silver Star** for bravery in combat and two **Purple Hearts**, McCloskey was a Company Commander. McCloskey served in the U.S. House of Representatives and represented the San Francisco Peninsula and Silicon Valley for 14 years.

INVESTIGATION & TECHNOLOGY



Victor Luscap is the **Chief Technical Officer** and **Nirav Engineer** is the **Chief Investigative Analyst** at CPM. Their extensive knowledge of investigation and technology keeps the firm on the cutting edge as it applies to litigation. Luscap formerly served in the U.S. Marine Corps and Engineer concentrated in Computer Information Systems at San Francisco State University.



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