

ADVOCATES FOR JUSTICE

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\$13.5 BILLION AWARDED TO NORTHERN CALIFORNIA FIRE VICTIMS

For nearly three years, **Frank Pitre** and his team of **CPM** lawyers and paralegals have worked diligently with a core group of law firms to prosecute claims for damages on behalf of fire victims against PG&E arising out of twenty-two separate wildfires that ravaged Northern California in 2017 and 2018. The **CPM** team used their skill and experience from other mass tort cases to take leadership positions and guide the collaborative work of law firms across the state to manage and pursue the litigation in state court, federal court and the bankruptcy court. These efforts have led to the successful confirmation of a restructuring plan that resolves PG&E's Bankruptcy and includes payment to the wildfire victims in the amount of **\$13.5 billion**. A Trustee appointed by the Bankruptcy Court is now working to allocate and distribute the funds amongst the thousands of victims in order to help them rebuild their homes and repair their lives as soon as possible. **Frank Pitre** has been named to serve as one of nine members of the Trust Oversight Committee ("TOC") responsible for monitoring the trust process on behalf of fire victims. - *See insert*.



Steve Wozniak and 17 Fraud Victims Sue YouTube and Google Over Fraudulent "Bitcoin Giveaway" Scam

In July, **Steve Wozniak**, the Co-Founder of Apple and renowned tech entrepreneur, called on his friend and lawyer **Joe Cotchett** to file suit against YouTube and Google in connection with a Bitcoin Giveaway scam that has persisted on YouTube for many months. Wozniak is joined in the Complaint by 17 individuals from various countries around the world who were victims of the fraud. As alleged in the Complaint, the Bitcoin Giveaway scam uses images and video of Steve Wozniak, and other celebrities including **Elon Musk** and **Bill Gates**, to convince YouTube users they are hosting a live Bitcoin Giveaway event. The case is being handled by **CPM's Joe Cotchett, Brian Danitz, Andrew Kirtley, Julia Peng** and team.



CPM SUES CARNIVAL AND PRINCESS CRUISES FOR PRIOR KNOWLEDGE OF COVID-19

The company knowingly allowed the Princess Cruises to sail for Hawaii and South America when passengers tested positive and died from COVID-19 while Diamond Princess was quarantined in Japan - See insert

BOEING CRASH IN ETHIOPIA INVESTIGATION CONTINUES AND MOVES FORWARD



CPM and the **Clifford Law Offices** of Chicago, represents families who lost loved ones when an Ethiopian Airlines plane crashed on March

10, 2019 in Ethiopia, killing all 157 people on board. It was the second crash of Boeing's new 737 MAX 8 aircraft in less than five months, caused when an angle of attack sensor fed erroneous data to a flight control system pitching the plane into an unrecoverable dive. **CPM** alleges that Boeing was aware of the vulnerabilities but deliberately concealed and downplayed the danger. **CPM** is continuing discovery and the investigation into what Boeing senior leadership knew and how it deceived airlines, the FAA and the public. The case is handled by **Frank Pitre, Alison Cordova, John Thyken** and team of paralegals.

JUDGE PRELIMINARILY APPROVES HISTORIC PAYMENT OF UP TO 500 MILLION DOLLARS FOR APPLE IPHONE CONSUMERS



Judge **Edward J. Davila** preliminarily approved a historic settlement for U.S. consumers against Apple Inc. Apple agreed to settle a nationwide class action based on allegations that Apple issued software updates that throttled or slowed down the performance of certain iPhones. **CPM** served as Co-Lead Counsel along with **Kaplan Fox & Kilsheimer** of New York. Under the proposed settlement, Apple will pay a minimum of **\$310 million** and up to **\$500 million** in cash compensation. The case is handled by **Joe Cotchett, Mark Molumphy, Brian Danitz** and **Elle Lewis**.



Year of the Rat
2020



大展鴻圖
客似雲來



RECENT MAJOR FILINGS & DECISIONS

CPM HELPS CALIFORNIA DAIRY FARMERS WIN MAJOR VICTORY



Niall McCarthy leads a **CPM** team that represents dairy farms in what has been called a civil war in the California dairy industry. These family farms have invested much of their life savings in a 50-year-old milk industry asset called “quota,” which is owned by most of the state’s dairies and is worth hundreds of millions of dollars. In recent years, however, some California dairy industry actors and farmers who do not own quota (including some who recently sold their quota for cash to unwitting fellow farmers) are trying to eliminate the quota system for their own financial benefit. This would cause devastating financial losses throughout the California dairy industry and especially for the state’s smaller family-run dairy farms. CPM led a two-day evidentiary hearing in June. On July 27, the court ruled in favor of CPM’s clients. A second case is pending. The case is being handled by attorneys **Niall McCarthy, Brian Danitz, Nazy Fahimi** and **Andrew Kirtley**.

CPM JURY VERDICT FOR PRO BASEBALL PLAYER UPHELD



Niall McCarthy, Emanuel Townsend and **Elizabeth Tran Castillo** won a \$2.3 million verdict for former Major League Baseball pitcher Greg Reynolds in 2018. The case involved unique issues of legal duty. On July 29, 2020, the California Court of Appeal upheld the verdict in a unanimous decision. The Court of Appeal refused to accept the Defendant’s argument on foreseeability. Reynolds is now a firefighter in the Sacramento area.

CPM Files Many Elder Abuse Actions for Senior Citizens Who were Defrauded - One of the Many Types of Lawsuits -



As one example, **CPM** recently filed suit on behalf of a 93-year-old victim of elder abuse by a trusted neighbor. Defendant neighbor and her Co-Defendant husband exercised undue influence and commandeered many aspects of Plaintiff’s life for years—by taking substantial sums from Plaintiff’s bank accounts, removing physical possessions, controlling who came and went from her residence, convincing her now-deceased daughter to change her Will and Trust during the last months of her life, and much more. The case is being handled by **Robert Hutchinson, Neda Lotfi** and the Santa Monica office.

CPM Files Suit for Elderly Victim of Fortune Telling Scam



CPM represents 73-year-old Victoria Nelson in a financial elder abuse lawsuit against self-purported “psychics” Tammy Adams and Michelle Marks, and their co-conspirators. As alleged in the complaint, Tammy Adams and Michelle Marks claim to be fortune tellers, psychic readers, and spiritual and financial advisors who orchestrated and carried out a seven-month scheme to defraud Mrs. Nelson, a widow and school teacher, out of her Los Gatos home she owned and lived in for forty years. The case is being handled by **Anne Marie Murphy, Emanuel Townsend** and team.

Bay Area Retirement Planner Raised \$170 Million for Involvement With Major Ponzi Scheme



CPM filed a lawsuit on behalf of California investors in a national Ponzi scheme involving a Florida-based real estate investment firm. The scheme raised \$170 million from thousands of investors nationwide. Plaintiff Robert G. Mar filed suit against the retirement planner who sold him the fraudulent investments, Benjamin Charles Mohr, a local financial adviser. As alleged in the complaint, Mohr, out of San Ramon, marketed investments in EquiAlt, LLC throughout the Bay Area. EquiAlt claimed that it would pool investor money to purchase distressed real estate and return 8–10% annual returns to investors. Instead of purchasing property, EquiAlt was paying off early investors by raising money from new investors like Plaintiff Mar. The complaint alleges that EquiAlt paid unregistered sales agents, including Mohr, to identify investors, market the EquiAlt securities, and process all sales contracts. Mohr was paid 10–14% commission on each sale. In 2018, Mohr received a Desist and Refrain order from the California Department of Business Oversight for selling EquiAlt securities. The case is being handled by **CPM’s Mark Molumphy, Duffy Magilligan, Tamarah Prevost** and team are leading the litigation.

FALSE CLAIMS & CONSUMER FRAUD UPDATE

CPM Represents San Mateo County Unified School Districts in Suits Against Juul



San Mateo County Unified School District's lawsuit alleges that JUUL developed a marketing strategy, advertising and product design to target minors especially preteens and teenagers, resulting in increased use of electronic cigarettes by youth in San Mateo County and increased costs for local schools. As alleged, the JUUL e-cigarettes have caused a dramatic increase in cigarette use by local youth, undoing decades of work combatting youth smoking. The JUUL devices are especially problematic for schools because they are designed to look like USB devices and the smoke is harder to detect than traditional cigarettes. **CPM** and Co-Counsel also represent Cabrillo Unified School District, San Mateo-Foster City School District, Jefferson Union High School District, the San Mateo County Board of Education and the San Mateo Superintendent of Schools. The case is being handled by **CPM's Joe Cotchett, Anne Marie Murphy, Julia Peng** and Co-Counsel.

CPM Represents the County of San Mateo in Litigation Against the Companies Responsible for the Opioids Crisis



The County of San Mateo continues to litigate against opioid manufacturers and distributors to address the financial burden on the

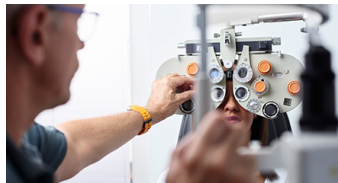
County from the opioid epidemic, and importantly, the high death rate attributable to opioid use. The suits allege that the defendant opioid manufacturers and distributors have created a public nuisance by selling billions of opioid pills that have flooded local communities, including San Mateo County. As alleged, the Opioid epidemic has had far-reaching consequences to counties, which are bearing the brunt of costs for opioid use disorder treatment and rehab, costs of law enforcement and incarceration, and coroner costs. The San Mateo cases are part of a massive multi-district litigation being overseen by the Federal Courts. The attorneys handling the case are **CPM's Joe Cotchett, Anne Marie Murphy, Julia Peng** and team.

CONSUMERS FILE CLASS ACTION LAWSUIT AGAINST ONLINE TRADING ACADEMY FOR FRAUD



CPM attorneys filed a class action lawsuit against Online Trading Academy ("OTA") and its executives, Eyal Shahar and Samuel Seiden, for their nationwide fraudulent business scheme. OTA targeted consumers and elderly individuals in particular. OTA claims to offer consumers a low-investment, high-profit online trading strategy and charges each student up to \$50,000. The vast majority of students who receive OTA training do not make the "substantial income" promised by OTA. Many students lost thousands of dollars trading plus the money they spent on OTA training. The Federal Trade Commission ("FTC") sued OTA in February and obtained a preliminary injunction from a federal judge on April 2, 2020. To obtain the preliminary injunction, the FTC established the likelihood of success in showing that OTA made false and unsubstantiated claims regarding consumers' ability to earn income. This case is being handled by **Adam Zapala, Elizabeth Tran Castillo, Kelly Winter Weil** and **CPM** team.

Settlement in Whistleblower Suit Against San Diego Eye Doctors



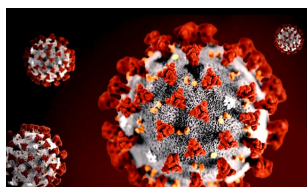
In a victory for taxpayers, two San Diego-area physicians, Mark D. Smith and Fane Robinson, agreed to settle a whistleblower lawsuit brought by **CPM** on behalf of a Southern California physician. The lawsuit alleges that Drs. Smith and Robinson systematically defrauded taxpayers and private insurance companies by falsifying records in order to bill for ophthalmology treatment performed by non-credentialed physicians. The case is being handled by **Justin Berger** and team.



Major Whistleblower Lawsuit Against Southern California Hospital Chain Proceeds

CPM partner **Justin Berger** and team with Co-Counsel from **Phillips & Cohen** succeeded in Motions to Dismiss in a major False Claims Act case against Prime Healthcare, a large chain of hospitals based primarily in Southern California. The case alleges that Prime paid an inflated price to acquire a high-volume cardiology practice, in violation of the Stark Laws and Anti-Kickback Statute. The case is set for trial in February 2021 in Los Angeles.

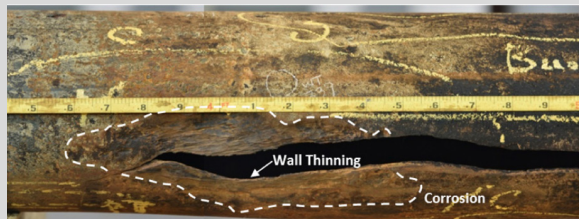
Consumer Fraud Cases in Various Coronavirus Cases



The novel coronavirus has wrought devastation throughout our country. In response, Congress passed the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") in March 2020. The law was intended to provide emergency financial assistance to Americans who are suffering from the economic impact of the virus. Sadly, unscrupulous individuals and corporations have abused the system, and siphoned hundreds of millions of dollars away from those who need it most. **CPM's** experienced False Claims Act attorneys are investigating and prosecuting a variety of CARES Act schemes that have recently been uncovered by whistleblowers.

FIRE, GAS & CONSTRUCTION CASES UPDATE

PORTER RANCH GAS BLOWOUT LAWSUIT CONTINUES - LOS ANGELES -



CPM prepares for trial on litigation arising out of the largest methane release in world history. Plaintiffs have reviewed a mountain of evidence and have taken hundreds of depositions. The evidence indicates that Defendants SoCalGas and Sempra Energy

knew of the risk of a catastrophic well blowout years before it occurred in October 2015. Internal documents predicted corrosion and the need to repair and replace underground gas storage wells at the aging storage field. Defendants failed to act on the recommended safety measures prior to the gas blowout. Instead, Defendants looked for an opportunity to pass the cost of repairs and maintenance onto the ratepayers. The failure to act caused the uncontrolled release of methane and other chemicals into local neighborhoods for four months, injuring and displacing tens of thousands of local residents. Defendants have improperly withheld from Plaintiffs countless internal documents, resulting in the Court imposing over \$600,000 in fines against Defendants and their attorneys to date. The withholding of documents has delayed preparation of the case for trial, which is now delayed until 2021. These cases are being handled at CPM by **Frank Pitre, Robert Hutchinson, Gary Praglin, Kelly Winter Weil** and a team of support staff, along with Co-Counsel.

Thomas Fire and Woolsey Fire Cases Move Forward to Reach Resolution - Southern California -



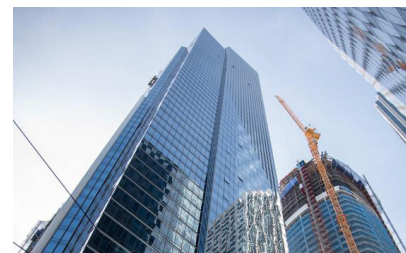
Since January 2018 **Frank Pitre**, as a member of the Plaintiffs Executive Committee, and the **CPM Team of Duffy Magilligan, Kelly Winter Weil** and paralegals have been actively assisting with the prosecution of claims against Southern California Edison for causing two deadly and destructive wildfires in Southern California which ignited in December of 2017 (Thomas Fire) and November 2018 (Woolsey Fire).

Thomas Fire Cases - Los Angeles County Superior Court

CPM represents individuals and families who were affected by the Thomas Fire, which blazed through 280,000 acres in Ventura and Santa Barbara Counties beginning in December 2017. The fire, which claimed over 1,000 homes and two lives, was started by power poles owned and negligently maintained by Southern California Edison. Amid high winds, the power poles "slapped" into each other, creating an electrical arc that ignited the brush below. The large fire was followed by heavy rains, which led to mudslides that destroyed or damaged hundreds of homes and claimed 21 lives.

Woolsey Fire Cases - Los Angeles County Superior Court

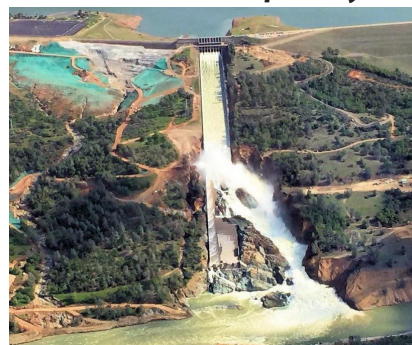
CPM represents individuals and families who were affected by the Woolsey Fire that burned through Los Angeles and Ventura Counties in November 2018. The fire originated from power equipment owned and operated by Southern California Edison located at the Santa Susana Field Laboratory owned by Boeing. The Woolsey fire claimed over 1,600 homes and 3 lives.



Settlement Reached Over Sinking San Francisco Millennium Tower

CPM has reached a settlement in the Millennium Tower Litigation. CPM is leading the claims on behalf of individual unit owners in the luxury condominium in San Francisco. The global settlement will resolve all claims of all parties in the litigation, provides substantial monetary benefits to unit owners, and pays for the retrofit of the Tower. It has been submitted to the Court for final approval. The case has been handled by **Frank Pitre, Niall McCarthy, Eric Buescher, Julie Fieber** and team.

The Fight Continues for 200,000 Victims of Oroville Dam Spillway



CPM is Trial Counsel in the litigation resulting from the failure of the Oroville Dam spillway in February 2017. The spillway's failure caused the mandatory evacuation of nearly 200,000 people and its aftermath resulted in flood damage to dozens of farms and properties downstream of the nation's tallest dam. Discovery is ongoing and the trial has been delayed by the COVID-19 pandemic, but is expected to occur in 2021. The case is being handled by **Niall McCarthy, Eric Buescher**, Co-Counsel at **Gardner, Janes, Nakken, Hugo & Nolan** are fully involved in helping the victims.

HONORS FOR CPM ATTORNEYS

Several CPM Attorneys Recognized as Super Lawyers and Rising Stars for 2020 in Northern California



CPM attorneys have been recognized on this year's **Northern California Super Lawyers** list as among the **Top 100 Attorneys for 2020**. Honored on the **Top 10** list are **Joe Cotchett** and **Frank Pitre**; others **Niall McCarthy**, **Mark Molumphy** and **Anne Marie Murphy** are on the **Top 100** list. In addition, the following attorneys are 2020 Super Lawyers—**Justin Berger**, **Nanci Nishimura** and **Adam Zapala**. Another eight of the firm's attorneys are on the Rising Stars list—**Mallory Barr**, **Eric Buescher**, **Elizabeth Tran Castillo**, **Alison Cordova**, **James Dallal**, **Tamarah Prevost**, **John Thyken** and **Emanuel Townsend**, based on a survey of California lawyers. **Anne Marie Murphy** is also on the **Women Lawyers' Top 50 Super Lawyers** list.

Joe Cotchett and Frank Pitre Named to Distinguished List of Daily Journal's 'Top Plaintiff Lawyers' in California for 2020



CPM is honored that **Joe Cotchett** and **Frank Pitre** have once again been named to the Daily Journal's list of **Top Plaintiff Lawyers in California for 2020**. Daily Journal's annual list of Top Plaintiff Lawyers is compiled from nominations submitted by lawyers around the state. From those nominations, 30 honorees are selected by editors based on the impact of their trial work. It is an honor to have two of our very own Partners selected, for the past few years.

Daily Journal's Top 100 Lawyers in California - 2020

For 2020, CPM has been honored by naming **Joe Cotchett**, **Frank Pitre**, **Niall McCarthy**, **Mark Molumphy** and **Anne Marie Murphy** to their list of the **Top 100 lawyers in California**. Several CPM lawyers have been on the list for numerous years selected by their peers, Judges and others in the profession.

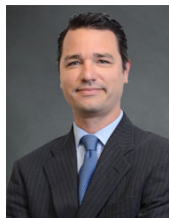


Sarvenaz Fahimi Named to Board of Green Foothills



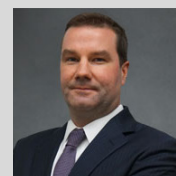
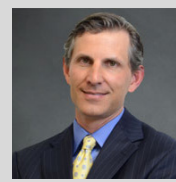
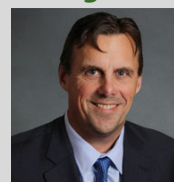
Green Foothills named CPM attorney **Sarvenaz (Nazy) Fahimi** a Board Member. Green Foothills is a organization that protects the open spaces, farmlands, and natural resources of San Mateo and Santa Clara Counties. "I have had the pleasure of working with some of the biggest supporters of Green Foothills at my law firm including **Joe Cotchett** and former Congressman and Founder of Earth Day **Pete McCloskey**. I am thrilled to be a part of this community to help lift up the message about the importance of protecting our collective home."

Daily Journal Names Adam Zapala One of 'Top Antitrust Attorneys' in California for 2020



Congratulations to our Partner **Adam Zapala** for being selected to the Daily Journal's inaugural list of **Top Antitrust Lawyers in California for 2020**. Zapala has served as lead counsel, or in other court-appointed leadership positions, in some of the largest and most complex antitrust matters in the United States.

CPM Attorneys Selected to Irish Legal 100 for 2020 in U.S.



Niall McCarthy, **Mark Molumphy**, **Anne Marie Murphy** and **Duffy Magilligan** were selected to the **Irish Legal 100** for 2020. The Irish Legal 100 is comprised annually of the most accomplished and distinguished lawyers of Irish descent from across America including attorneys and members of the judiciary.

Nishimura Appointed to California Uniform Law Commission by Governor Gavin Newsom



Nanci Nishimura was appointed by **Governor Gavin Newsom** to the **California Uniform Law Commission**. In July, she participated with more than 400 commissioners at the annual meeting of the **National Uniform Law Commission** in Madison, WI. California members ensure that problems unique to California are addressed when proposing uniform state laws.

Nishimura continues to serve on the **Commission on Judicial Performance** having served for nine years, including two years as **Chair**. She serves on the Board of Trustees and Commission of the **Asian Art Museum** of San Francisco, and Board of Trustees of the **California Science Center Foundation**.

COMMUNITY ACTIVITIES



Darren Kelley Helps Underserved Youth in the Community

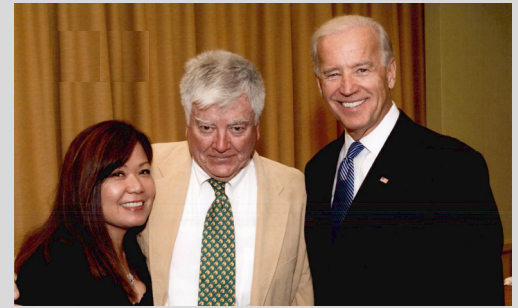
- San Mateo Police Activities League -

CPM's HR Director **Darren Kelley** serves as the **Chair** for the San Mateo Police Activities League. A former 82nd Airborne paratrooper, Kelley is a youth development leader in our community. Since 1997, San Mateo PAL has served thousands of local girls and boys at little or no cost, supported by a volunteer Board of Directors and the generosity of donors and leaders in our community. San Mateo PAL fills the much needed gap in affordable and purposeful activities for our youth and their families.

CPM VOLUNTEERS FOR THE CORONAVIRUS RESPONSE FUND



CPM staff volunteer time to help their local food bank drive thru to ensure nutritious food is distributed to every neighborhood in Santa Clara and San Mateo Counties for the Coronavirus Response Fund. Thousands of people are getting help from food banks for the first time. CPM values giving back to their community during this time in need and all the staff participates.



CPM Partners **Pete McCloskey** and **Nanci Nishimura** are actively engaged as **California Lawyers for Biden**. McCloskey served 18 years in the U.S. Congress and is a decorated Marine Veteran who served in Korea. Nishimura served as a Legislative Aide in the US Senate and was the first women lawyer to chair the California Commission on Judicial Performance. McCloskey and Nishimura lead various groups for Vice President Biden's run for the White House in California. Nishimura serves as a national Co-Chair of the Leader's Forum.

Employment Law and Workplace Issues

CPM's employment law group, headed by **Adam Zapala**, **Tamarah Prevost** and **team**, continues to file cases on a wide range of employment issues, representing employees who have been wrongfully terminated due to retaliation, gender discrimination, sexual harassment, disability discrimination, and whistleblowing. Email azapala@cpmlegal.com or tprevost@cpmlegal.com if you have an employment matter you would like to discuss or refer to our lawyers. CPM handles cases statewide and in the U.S.

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JUSTICE FOR ALL

"Cotchett, Pitre & McCarthy have few peers that equal their ability in litigation. Their commitment to the cause of justice and their ethical standards stand apart. They are people who give back to the community and give lawyers a good name."

— Judge of the Superior Court (Retired)

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fighting fire

*Five attorneys talk about
the massive class action
against PG&E*

*By RJ Smith
Photography by REUTERS/Stephen Lam*

COVER STORY

Fighting Fire: Five attorneys talk about the massive class action against PG&E over some of Northern California's worst wildfires

On Nov. 8, 2018, a blaze that would come to be known as the Camp Fire broke out near Paradise. In about half a day, 20,000 acres and 6,713 structures were reduced to ash. The death toll would reach 86. A satellite photographed a mass of gray smoke the size of a small country drifting out over the Pacific Ocean—lives and hopes gone in a handful of hours.

Fires are nothing new to Californians, but they are coming with increased intensity and regularity in an age when a stray spark is all it takes for things to get out of control. Pacific Gas & Electric has been blamed by the state for causing many blazes in recent years; critics have accused the company of failure to properly maintain equipment, clear vegetation near power lines, and adequately secure electrical poles brought down by strong winds on bone-dry hillsides.

About 20 of the worst fires in recent Northern California history were brought together in one massive class action involving more than 80,000 claims against PG&E, which prompted the utility to file for bankruptcy, and ultimately to agree to a \$13.5 billion payout for victims. We spoke to five Northern California attorneys involved in the legal proceedings.

THE RUN-UP



Frank M. Pitre, Cotchett, Pitre & McCarthy, Burlingame, co-lead trial counsel North Bay fires:

I and Steve Campora have been fighting PG&E since the [2010] San Bruno pipeline explosion and fire. We know more about the insides of PG&E and how it operates and all its failings than anyone I know.

"The [San Bruno] blast exposed the utility's haphazard system of record-keeping for its tens of thousands of miles of gas pipelines and its sometimes shoddy construction and inspection practices. The catastrophe prompted questions about whether the company was actually carrying out pipeline-safety improvements that ratepayers had been charged for." [KQED, Sept 8, 2015]

Pitre: I grew up in San Francisco, but in middle school my family moved to San Bruno. So when the San Bruno fire and explosion hit, it hit home. The families impacted were ones I had gotten to know over decades in my community. People who were firefighters were classmates of mine, and I knew people who were injured and burned. So, yeah, it was a personal battle. When I got involved with the Butte fire in 2015 and I represented families in Calaveras County, I came to understand something. In the Bay Area, people buy and sell homes all the time. But in Calaveras County, if you lost a house, it probably had

been in your family for multiple generations. A guy I represented told us he had "lost the property where my grandfather taught me how to be a man. How to hunt and chop wood and pick stones out of the river to build a fireplace." That home meant more than just a structure; it was everything about who that person was.



Steven M. Campora, Dreyer Babich Buccola Wood Campora, Sacramento, plaintiff's executive committee

North Bay fires: PG&E was a company in crisis financially and culturally, and what you needed to do was develop an overall game plan for multiple fires over multiple years. I've probably taken 250 depositions in the last 10 years. There are millions of documents to review and a constant need to retain and communicate with experts. I've had a lawsuit pending against PG&E as a result of a catastrophe of one sort or another since 2008. It's been a full-time job. This has been the primary focus of my work.

Pitre: In some ways, the problem traces back to 2007, when CEO Peter Darbee hired an expert to assess levels of risk in how they were doing business. The assessment concluded two things that speak volumes about what their problems are: The corporate attitude was, essentially, *everything is broken and can't be fixed*. At the other end is that PG&E's culture doesn't

tolerate bad news. If you have everything broken and can't be fixed *and* nobody wants to hear bad news, you are sweeping everything under the carpet. And so we are here today.



Michael A. Kelly, Walkup, Melodia, Kelly & Schoenberger, San Francisco, co-lead trial counsel North Bay fires:

The Sonoma fires happened in October of 2017. I own a home there, and we watched as the fires approached and receded, approached and receded from the town.

"All told, the October 2017 fires scorched more than 245,000 acres across Northern California and killed at least 44 people, including 24 people in Sonoma County." [The Press-Democrat, September 28, 2019]

Kelly: There were lots of lawyers saying they were going to take care of everything—unfortunately, many of them without prior experience with a vulnerable population. I felt I owed my neighbors and friends whatever I could do to help. And I saw a chance to hopefully get PG&E to turn around its corporate attitudes to safety.

Kelly: The early clients, they needed to be counseled and to get help in dealing with their own insurers. The top 12 fire and casualty insurers in the United States were sending people here, from AAA to Travelers

to State Farm to AIG, Chubb. Most victims had never read their fire insurance policies and were shocked at how underinsured they were, and flabbergasted at some of the limits of coverage their insurance companies had set as the most they would pay.

We began to recognize how PG&E was making excuses regarding the causes of the North Bay fires. “The winds were blowing at historic levels,” they said, when they were actually below threshold levels that the wires and poles are supposed to withstand. Then they said it was climate change. “Millions of trees have died in the Sierras,” they were saying. Well, yeah, but this fire happened in Sonoma County.

Kelly: We assembled a group of experienced lawyers who knew PG&E. These kinds of cases don’t usually lend themselves to a class action, where everybody tends to have a common and typical injury. But here we have people who lost mobile homes and people who lost large homes, people with property loss and personal losses, people with physical injuries and business losses. We had 21 fires with potentially 21 potential causes, whether it was a transformer which exploded or a pole which broke or whatever. Ultimately, the North Bay cases were all venued in San Francisco before Superior Court Judge Karnow.

“San Francisco Superior Court Judge Curtis Karnow said that although details of the fires vary, the suits share legal issues making it necessary to organize them in one court, avoiding delays and the possibility of conflicting rulings.”
[The Press-Democrat, January 5, 2018]

Kelly: Our judge was preparing to set a trial date for September 2019. It was late in 2018, and then came the Camp Fire.

THE CAMP FIRE

“Fire investigators in Northern California say they found the human remains of 6 more individuals, bringing the death toll to at least 48 people who have died in

the wildfire that burned through the town of Paradise with shocking speed, making the Camp Fire the deadliest wildfire in state history.”
[NPR, Nov. 13, 2018]

Pitre: Subsequent to the Camp Fire, PG&E said, basically, “Wow, we got a heck of a problem on our hands,” and started looking at bankruptcy as an option.

“Pacific Gas and Electric, California’s largest utility, serving more than 16 million people, filed for bankruptcy protection on Tuesday because it is facing tens of billions of dollars in liability for wildfires.” [New York Times, Jan. 29, 2019]

Kelly: It was a thoroughly great disappointment, because our hopes were to quickly get money into hands of those harmed in Sonoma and Napa and Mendocino, so they could rebuild.



Alison Cordova, Cotchett, Pitre & McCarthy, Burlingame, co-trial liaison counsel in Tubbs fire cases: Bankruptcy is

not built for victims to obtain justice. It’s just not made for victims, that’s all there is to it. And the constant struggle of having to butt up against that process—in my opinion, it’s created to serve the debtor. We are dealing with thousands and thousands of peoples’ lives and livelihoods.

Kelly: We simply found out by word of mouth through [PG&E’s] lawyers. We had a meeting scheduled and they said, “We can’t be there because the company decided to file for bankruptcy.” So we had like 48 hours’ notice. Federal law provides for a stay on claims against anyone who files for bankruptcy—so everything was frozen.

Pitre: I always felt that the bankruptcy was, ultimately, a litigation tactic. That it was a way for them to take *all* the litigation of the [multiple] fires and put it into an arena where they could cram down the amount viable for victims. But looking back now, I

see how it reflects a company that was in crisis. Now, after we have all done this work, I have seen how they propped themselves up, paying out dividends that hadn’t been earned, money that should have been plowed back into the infrastructure. They put themselves into a position where they didn’t have the financial wherewithal to operate safely. There came a day when they had to pay the piper.

Cordova: I was talking to a fire victim yesterday morning. I myself have a hard time talking about her case. My client lost her mother in the fire. Her mother was an artist, and she had tons of her artwork in her house—which was destroyed. The client’s own house, too, where she lived with her 16-year-old daughter, was destroyed in the Tubbs fire. Her daughter was suffering with glioblastoma multiforme, a kind of cancer, and within six months after the fire, she died. And that was her whole family. So, within a span of six months, she lost her mom, all the memories of her mom, her own home, and her daughter. Now she is fighting to maintain a life, to recover and recuperate and get back on her feet.

Pitre: Then there’s the impact of what’s going on in Sacramento [at] the state capitol. There were serious concerns that, if you had a bankruptcy in place during the next fire season, PG&E would not be able to withstand another calamity. So the governor’s office got involved working on legislation that was akin to providing what I call a superfund or insurance pool of \$20 billion. That turned out to be Assembly Bill 1054.

“Gov. Gavin Newsom signed a complex wildfire liability bill into law Friday morning. ... Under the plan, utilities and ratepayers will pay into a fund that utilities could access if a fire caused by their equipment resulted in more than \$1 billion in property damage.” [KQED, July 12, 2019]

Kelly: AB 1054 also contained provisions that no utility could participate in this fund

if they were in bankruptcy. So this was one small break provided by the Legislature to at least shrink the time necessary to get through a bankruptcy. It put some pressure on PG&E, and we knew we were going to be through this by July [2020], when they legally have to be out of bankruptcy to qualify for the new state wildfire fund.

Cordova: It's the largest bankruptcy in history, and it is moving faster than any bankruptcy in history. That creates a unique project—it's quite a task. We started into the process and we're hearing, "There's no way we'd be at a plan to resolve anytime soon;" that three to five years down the road would be the very soonest. And now [after AB 1054] we have until July. So there are a lot of tort plaintiff lawyers and bankruptcy lawyers who have been working 'round the clock to get this done.

THE OUTCOME

"It's been a long, painful road for the victims of some of California's worst fires: the Camp fire of 2018, the Tubbs fire of 2017, the Butte fire of 2015.

"On Friday, there came an announcement that many anticipated: In a settlement, Pacific Gas & Electric Co. agreed to pay \$13.5 billion to victims of wildfires ignited by its power lines." [Los Angeles Times, Dec. 7, 2019]

Campora: I can't discuss how the figure was arrived at, because we have all signed onto a non-disclosure statement.

Kelly: It became clear that \$13.5 billion in cash and stock was probably the *maximum* amount the company could afford to pay. They had other obligations, and the company could only bear so much debt and still be investible on the stock market.

Cordova: Something called the Official Committee of Tort Claimants (TCC) is what's really fighting on behalf of the victims' interests in the bankruptcy process. But at the beginning of the case, there wasn't enough money offered to the victims because, I think, they weren't valuating the Tubbs Fire cases. So some individual fire lawyers, we said, "Let's get relief, let's go back and show everybody PG&E were

responsible for Tubbs." Critical to that was understanding the role played by one state agency, the California Department of Forestry and Fire Protection, or Cal Fire.

Kelly: Cal Fire's obligation is to determine the cause and origin of wildfires in the state. But their decisions are not binding in court.



Khaldoun Baghdadi, Walkup, Melodia, Kelly & Schoenberger, San Francisco, co-trial liaison counsel in Tubbs

fire cases: The Cal Fire investigation concluded they couldn't identify any PG&E infrastructure with igniting that fire. PG&E seized on that to claim they were therefore absolved of responsibility. We (and our experts) disagreed.

Cordova: Cal Fire had found PG&E responsible for every single fire except Tubbs, and Tubbs was the *most* lethal and destructive of the 2017 fires. It was the one fire Cal Fire didn't find PG&E responsible for, and because of that, in the bankruptcy case all of the offers disregarded the Tubbs victims. We got a \$3.5 billion, then an \$8 billion offer; in the first, the (Tubbs) victims were offered nothing, and in the second, close to nothing. We were like, this is unacceptable—because from the investigation we had done with our own experts, we believed there was a very credible route to establishing liability. We told the court, look, the victims will never accept a plan where PG&E doesn't pay for Tubbs.

Baghdadi: If PG&E wasn't going to acknowledge responsibility, we were going to do our best to persuade a jury to acknowledge it for them. And then, weeks away from our trial date ...

Cordova: ... the \$13.5 billion plan and offer was proposed to the TCC and to the victims, and a part of that plan was to resolve all of the Tubbs fire cases.

Pitre: The vote to approve the plan was certified May 22. Mike Kelly and I were able to negotiate resolution of all federal claims and state claims so that the \$13.5 billion is reserved for fire victims. Clearly, the victims understood that the plan was not perfect. The share of their compensation tied to

the future value of PG&E stock posed risks, but the uncertainty of a viable alternative that could be vetted before the June 30th deadline to take advantage of the \$21 billion Wildfire Mitigation Fund, and the potential for beginning the process of getting paid this year, appears to have had immense support. Simply put, those impacted by this calamity understood this was the best path to promptly resurrecting their lives.

FROM THE ASHES

Baghdadi: I'm hopeful the impact of all of this is you end up with a PG&E that isn't focused on private profit and public harm, but end up with some accountability. Because typically, when big California businesses make mistakes, there's a means of holding them accountable. But here, PG&E continued the same pattern of cultural mistakes to the point of bankruptcy, and forced victims to face an uncertain and unfortunate process.

Campora: Obviously, people in Northern California need to have power, whether from a reconstituted PG&E or somebody else who buys them. Legislation has been introduced that says, if you are a utility that has been convicted of a felony in the past 10 years, the state can take you over. It's obviously targeting PG&E.

Cordova: Is there something good that can come out of this? That might be for someone bigger than me to answer.

Baghdadi: There's talk of California's fire season as being a "new normal." A lot of elements of climate change are true. But using the "new normal" concept as an excuse for poor management is unfair to California. Maintaining infrastructure and making sure electrical lines don't cause fires can be done during drought as well as during the rainy season. But I do agree that future cases of this magnitude will require coalitions being formed and the careful and cooperative dedication of many attorneys. SL

Editor's Note: At the time of publication, the California Public Utilities Commission had approved the payout plan, which was awaiting final approval by U.S. Bankruptcy Judge Dennis Montali.



Cotchett, Pitre & McCarthy, LLP COVID-19 LITIGATION

CPM SUES CARNIVAL AND PRINCESS CRUISES FOR INTENTIONALLY HIDING KNOWLEDGE OF COVID-19 BEFORE THE CRUISE SHIP LEFT PORT

Company knowingly allowed Grand Princess to sail for Hawaii and Coral Princess to South America when passengers tested positive and died from COVID when Diamond Princess quarantined in Japan



CPM has filed a number of lawsuits against Carnival Corporation and Princess Cruise Lines, alleging that they negligently boarded new passengers on the Grand Princess and allowed it to sail for Hawaii in February, knowing that 62 passengers and crew on the prior Mexico cruise were still on-board after being exposed to the coronavirus. This is after knowing a passenger who boarded the prior cruise had symptoms but the medical crew did nothing. It happened again when the Coral Princess sailed in South America in early March. As alleged, Defendants knew that sister ship Diamond Princess had already been quarantined in Japan since February 3rd after two passengers died from COVID-19 and hundreds of passengers tested positive. The cases are being handled by at CPM by **Nanci Nishimura, Alison Cordova, James Dallal** and team and a number of Co-Counsel from other firms.



Historic John's Grill Takes on Hartford Insurance and Affiliates Over COVID-19 Shutdown

John Konstin, owner of the historic John's Grill in San Francisco, filed suit against Hartford Insurance and its affiliate Sentinel Insurance, after the insurers flatly denied coverage for the restaurant's business interruption losses after John's Grill was forced to shut down on March 16, 2020, to comply with a series of orders issued by the City and County of San Francisco, and the State of California, due to the COVID-19 pandemic. A disappointed John Konstin stated, "I did not want to file a lawsuit. But John's Grill has been part of the fabric of old San Francisco since 1908, and as the guardian of this institution which I took over from my immigrant parents, I made sure we had insurance to protect the restaurant and our family of employees. Hartford now denies coverage, claiming that the specific provision that says we are protected if a 'civil authority' shuts us down, doesn't mean what it says—we had no choice but to file this lawsuit for all of our employees." The case is being handled by CPM's **Nanci Nishimura, Brian Danitz, Andrew Kirtley** and team.

CPM Represents Family of Man Infected with COVID-19 and Died in an LA County Nursing Home in a Landmark Case - One of Many Victims -



CPM represents the widow and daughters of retired veteran Vincent Martin who died of COVID-19 at Hollywood Premier Healthcare Center. As alleged, HPHC had one of the State's worst outbreaks of COVID—the situation was so dire that the California National Guard was deployed to the facility, although the deployment came too late to save Martin's life. The complaint alleges the nursing home had a bad track record pre-COVID with lax infection controls, and it was foreseeable that COVID-19 would spread like wildfire given under-staffing and lack of PPE. Just days before Martin died, a nurse at HPHC admitted to the family that there were only two nurses for 83 residents. As alleged, the attending doctor, who knew Mr. Martin had contracted COVID-19, falsified the death certificate, so as not to report the COVID-19 death. The case is being handled by **Anne Marie Murphy, Gary Praglin, Kelly Winter Weil, Andrew Kirtley** and team.

HISTORIC CLIFF HOUSE RESTAURANT FILES BUSINESS INTERRUPTION LAWSUIT



Brian Danitz and CPM team took on insurance giant Allianz for denying Cliff House coverage during the COVID-19 pandemic. The Cliff House was forced to close its doors and let 185 employees go due to the pandemic. The Complaint alleges Allianz, like many other insurers, has summarily declined coverage during COVID-19 notwithstanding the plain language of the policy. The Cliff House is a landmark in San Francisco in operation over 120 years and is one of the oldest restaurants in the West. It has hosted five U.S. Presidents and dignitaries from around the world.

ENVIRONMENTAL & CIVIL LIBERTIES UPDATE

The Fight Continues for Public Access to Martin's Beach and Other Ocean Fronts on the California Coast



CPM continues to work with the community in San Mateo County to monitor the status of public access to Martin's Beach. Following CPM's case, the state sued the owners demanding restoration of public access to the property. CPM previously prevailed in litigation over the property on behalf of Surfrider Foundation, obtaining a landmark judgment that the owners had to allow the public access to the coast unless and until the owners obtain a permit to change the practice. The decision was upheld by the Court of Appeal. The case is being handled by **Joe Cotchett, Pete McCloskey, Eric Buescher, Nazy Fahimi** and team.

Environmentalists Call on CPM to Sue the EPA for Removing Protections from Cargill Salt Ponds in Redwood City at the S.F. Bay



CPM represents Save The Bay, Committee for Green Foothills, and Citizens' Committee to Complete the Refuge, joined by San Francisco Baykeeper and Earthrise Law Center, against the Environmental Protection Agency and its Administrator Andrew Wheeler. The lawsuit seeks to overturn EPA's March 2019 determination that the Redwood City Salt Ponds of San Francisco Bay are not "waters of the United States" and thus not subject to EPA protections, alleging EPA violated the law by removing the ponds from EPA protection. The lawsuit seeks a declaration that EPA's negative jurisdictional determination was arbitrary and capricious, contrary to the Clean Water Act, and lacked substantial evidence to support its findings. The case is handled by **Joe Cotchett, Eric Buescher, Nazy Fahimi** and team. *See insert - Opinion//Open Forum article written by Congresswoman Jackie Speier.*



SUPREME COURT REJECTS TRUMP ADMINISTRATION ATTEMPT TO DISMANTLE DACA

In June, the United States Supreme Court rejected the Trump Administration's attempt to end legal protections for hundreds of thousands of Dreamers, keeping President Obama's DACA program in place. CPM represents the **City of San Jose** on a pro bono basis. "This is a wonderful day not just for the Dreamers, but for our Country. DACA recipients add strong and vibrant fiber to the fabric of our communities," said one of CPM's attorneys, **Justin Berger**. The case is handled by CPM attorneys **Justin Berger, Brian Danitz** and **Tamarah Prevost**.

CPM Seeks to Hold Major Food and Beverage Companies Accountable for Plastic Pollution in Oceans



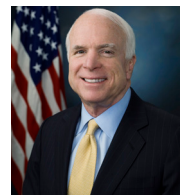
In what is believed to be the first lawsuit of its type, **CPM** acting on behalf of the **Earth Island Institute** has brought suit against the top 10 companies most responsible for plastic pollution in the environment, including Coca-Cola, Pepsi, and Nestle, over the misinformation they have spread about the recyclability of plastic and the environmental damage they have wrought. Rather than switch to more sustainable packaging and production practices, the suit alleges that the Defendants continue to spread misinformation about the true causes and solutions to plastic pollution. The lawsuit raises several claims against the Defendants, including public nuisance. The case is being handled by **Mark Molumphy, Tamarah Prevost, Tyson Redenbarger, Noorjahan Rahman** and CPM team.



A TRIBUTE TO BOTH FROM ALL AT CPM JOHN LEWIS (1940-2020) and JOHN MCCAIN (1936-2018)

The Two Johns – Words to Live By

Despite the current state of politics in America, we want to share words of wisdom from two honorable people who served on both sides of the political aisle:



"Ordinary people with extraordinary vision can redeem the soul of America by getting in what I call good trouble, necessary trouble. Voting and participating in the democratic process are key. The vote is the most powerful nonviolent change agent you have in a democratic society. You must use it because it is not guaranteed. You can lose it."

~ **John Lewis** (July 30, 2020). Together, You Can Redeem the Soul of Our Nation. *The New York Times* (posthumous).

"Do not despair of our present difficulties but believe always in the promise and greatness of America, because nothing is inevitable here. Americans never quit. We never surrender. We never hide from history. We make history."

~ **John McCain** (August 27, 2018). Farewell Letter to America.

SECURITIES AND STOCK FRAUD ACTIONS UPDATE



CPM Appointed Co-Lead Counsel in Zoom National Litigation

CPM, along with **Ahdoot & Wolfson** were selected to serve as co-lead counsel to represent Zoom users across the United States. Zoom is the online meeting app that has gained popularity during coronavirus social distancing. The lawsuits allege that Zoom engaged in widespread violation of privacy laws, failed to provide encrypted communications, and allowed third parties to crash or “Zoom bomb” private conferences. The federal district court in San Jose appointed **Tina Wolfson** of Ahdoot & Wolfson and **Mark Molumphy** of CPM to lead the massive litigation. A consolidated complaint will be filed by the end of the month, followed by discovery into Zoom’s internal practices and its use of user information.

CPM Represents WeWork Shareholders Against Board



CPM represents minority shareholders in a proposed class and shareholder derivative action against WeWork and its founder, Adam Neumann, along with certain of WeWork’s directors, SoftBank Group Corporation and its Chairman Masayoshi Son. The case alleges that defendants breached their fiduciary duties, resulting in the sudden cancellation of WeWork’s initial public offering, and resulting in a loss of value from \$47 billion to \$8 billion. The action is in San Francisco County Superior Court and handled by **Joe Cotchett**, **Mark Molumphy**, **Tyson Redenbarger**, **Noorjahan Rahman** and team.

Shareholders Move to Lift Stay in Case Against MicroFocus

CPM along with **Robbins Gellar Rudman & Dowd** and **Scott + Scott** represents shareholders in a proposed class action against MicroFocus, a software development company based in the United Kingdom, which purchased the software business of Hewlett Packard Enterprise. Following the merger, negative information was allegedly revealed about MicroFocus and its ability to implement the merger, resulting in billions in stock losses. After prior actions filed by other plaintiffs were stayed pending resolution of a federal class action, CPM successfully moved the San Mateo County Superior Court to lift the stay. The case is being handled by **Mark Molumphy**, **Tyson Redenbarger**, **Noorjahan Rahman** and team.



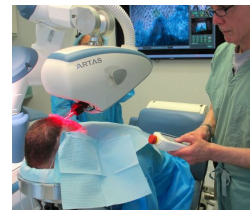
CPM Litigates Novel Issues in Lawsuit Against Uber

CPM along with **Robbins Gellar Rudman & Dowd** and **Scott + Scott** represents investors in a proposed class action against Uber Technologies, Inc., certain Uber officers and directors, and banks that acted as underwriters for Uber’s initial public offering in May 2019, alleging that Uber’s registration statement and prospectus contained misleading information about Uber’s condition. The action involves novel legal issues, including Uber’s effort to force claims to be filed outside San Francisco, where Uber’s headquarters is located. The case is being handled by **Joe Cotchett**, **Mark Molumphy**, **Tyson Redenbarger**, **Noorjahan Rahman** and team.

CPM Represents Eventbrite Initial Public Offering Shareholders

CPM along with **Bottini & Bottini** represents shareholders who invested in Eventbrite’s initial public offering in 2018. Eventbrite, headquartered in San Francisco, operates an event ticketing platform and manages certain events. The complaint alleges that Eventbrite misrepresented or failed to disclose information relating to the integration of an acquired company in the IPO documents sent to investors. The case is pending in San Mateo County Superior Court. The case is being handled by **Mark Molumphy**, **Elle Lewis**, **Tyson Redenbarger** and team.

Constitutional Rights at Issue in Restoration Robotics



CPM along with **Robbins Gellar Rudman & Dowd** and **Johnson Fistel** represents investors who purchased Restoration Robotics stock in its October 2017 initial public offering. Restoration Robotics is a medical technology company that developed technology for hair restoration surgery. The action alleges the company failed to disclose issues with the commercial viability of the technology that, once disclosed, resulted in a drop in the share value. CPM’s **Mark Molumphy** recently raised constitutional protections in opposing motions to dismiss seeking to require shareholders to pursue claims in federal court, rather than San Mateo County Superior Court. The case is being handled by **Mark Molumphy**, **Tyson Redenbarger**, **Noorjahan Rahman**, **Elle Lewis** and team.

ISS SCAS

THE TOP 50
OF 2019

CPM’s Securities Practice Ranks Among Top 10 Firms in North America Prestigious Rankings Based on Securities Class Action Recoveries in 2019

The Securities Class Action Services division of Institutional Shareholder Services (ISS SCAS) has published its annual Top 50, revealing the top 50 plaintiff law firms in North America ranked by the total amount of funds recovered in securities class action settlements in 2019. **CPM** ranked tenth on the prestigious list, bringing in \$82,200,000 in settlement funds from its securities practice. The report included class action recoveries in the Alibaba and ProNai class actions, among others, and highlights CPM’s track record of success for investors. **Mark Molumphy**, is head of CPM’s securities litigation practice.

ANTITRUST & BUSINESS FRAUD UPDATE



CPM FILES ANTITRUST CASE INVOLVING PRICE FIXING OF TELESCOPES

- San Jose Federal Court -

CPM filed an antitrust case on behalf of indirect purchasers of telescopes, alleging that Defendants conspired to unlawfully fix prices, allocate the market and customers, and engaged in monopolistic conduct. This case is pending in the United States District Court, Northern District of California. **Adam Zapala, Elizabeth Tran Castillo, and Reid Gaa** are leading the antitrust class action on behalf of CPM.

CPM Files Antitrust Case for Fixing Gas Prices

- San Francisco -



CPM filed an antitrust class action alleging that Defendants violated the Sherman Act, the Cartwright Act, and Unfair Competition Law by organizing agreements with one another to manipulate, raise, fix, and tamper with the spot market price of gasoline. Using a disastrous explosion at a large gasoline refinery complex in Torrance, California and the resulting supply disruption that it caused as pretext, Defendants allegedly engaged in a number of collusive and coordinated schemes to unlawfully increase gasoline prices paid by businesses and consumers in California. **Joe Cotchett, Adam Zapala, Elizabeth Tran Castillo, and Reid Gaa** lead the antitrust class action on behalf of CPM.

CPM Investigates Anticompetitive Practices in the Home-Health Care Industry Affecting Employees



CPM is investigating potential anticompetitive conduct involving hiring practices known as no-poach agreements, where companies agree not to solicit or hire each other's workers, in the in-home health care services industry. This industry employs a wide variety of employees, including nurses, physical therapists, and home health care aides, all of which could be subject to anticompetitive restrictions. The Antitrust Division of the U.S. Department of Justice issued subpoenas to various home health care companies at the end of October 2019 and one company has reported illegal conduct and sought leniency with the DOJ in exchange for immunity from criminal prosecution. The investigation is being handled by **Adam Zapala, Elizabeth Tran Castillo, Alexander Barnett, Tamarah Prevost** and team.



CPM Files Antitrust Case Against Beef Processing and Packing Companies

- Minnesota -

CPM along with Co-Counsel filed an antitrust case in the District of Minnesota on behalf of a class of direct purchaser plaintiffs who bought beef that was allegedly processed and sold at artificially inflated prices by one or more Defendants or their co-conspirators. Defendants are the world's largest meat processing and packing companies. Plaintiffs allege that the Defendants unlawfully conspired to drive up the prices of boxed beef. Together they sold approximately 80% of the more than 25 million pounds of fresh and frozen "boxed" and "case-ready" beef supplied to the United States beef market in 2018. This litigation is being handled by **Joe Cotchett, Adam Zapala, Elizabeth Tran Castillo, Alex Barnett, Reid Gaa** and team.



CPM Prosecutes Claims Involving Price-Fixing of Broiler Chickens

- Chicago, Illinois -

CPM and **Gustafson Gluek** serves as Co-Lead Counsel for commercial and institutional indirect purchasers against broiler chicken suppliers for allegedly engaging in a conspiracy to fix, raise, maintain, and stabilize the prices of broiler chickens by coordinating output and limiting production with the intended and expected result of increasing the prices of broiler chickens. Broilers constitute approximately 98% of all chicken meat sold in the United States. Defendants are the leading suppliers of Broilers in an industry with over \$30 billion in annual wholesale revenue. This case is being handled by **Adam Zapala, Elizabeth Tran Castillo, Alexander Barnett, Tamarah Prevost, James Dallal** and team.



CPM SUES GENERIC DRUG COMPANIES FOR PRICE-FIXING

- Philadelphia, Pennsylvania -

CPM serves on the Plaintiffs' Steering Committee in the litigation, *In re Generic Pharmaceuticals Pricing Antitrust Litigation* (MDL 2724) currently pending in the federal district court in the Eastern District of Pennsylvania. This action involves allegations that the major generic drug manufacturers conspired to elevate the prices of commonly-used generic drugs. The case involves almost 250 drugs. The CPM team are **Adam Zapala, Alexander Barnett, Elizabeth Tran Castillo** and **Reid Gaa**.

Cotchett, Pitre & McCarthy, LLP

- NEW PARTNERS -



SARVENAZ J. (NAZY) FAHIMI was raised in Minnesota and received her B.A. at Marquette University in near-by Wisconsin. Nazy also attended Marquette University Law School where she graduated Cum Laude, served as a Note and Comment Editor of the Marquette Law Review, received CALI Awards, and became a member of Alpha Sigma Nu, the National Jesuit Honor Society. Nazy currently represents clients in matters involving the False Claims Acts, the California Insurance Fraud Prevention Act, commercial litigation, consumer protection class actions, elder abuse, retaliation and wrongful termination. Prior to joining CPM, she worked at a 501(c)(3) non-profit for several years as the Senior Director of the Legal Department, where she focused on advocacy, educating lower-income community members, and working with local and federal lawmakers, including with members of U.S. Congress and the Santa Clara County Office of Immigrant Relations. Nazy returned to practicing in the area of litigation specifically at CPM because of the firm's dedication to serving just causes.



DONALD J. (DUFFY) MAGILLIGAN was raised on the Peninsula with his five sisters. He received his B.S. from Loyola Marymount University and his J.D. from the University of San Francisco. Duffy represents clients in matters involving injuries, wrongful death, mass torts, environmental fraud, securities fraud, and business litigation. He continues the great tradition of trial lawyers at CPM. After trying forty-seven jury trials as a prosecutor, Duffy joined CPM. Since then, he has leveraged his trial experience to return outstanding results for CPM's clients. Prior to joining CPM, Duffy had been a deputy district attorney for ten years, most recently in Santa Clara County. Duffy was recognized for distinguished service by the Santa Clara District Attorney, the San Jose Police Department Gang Intelligence Unit, and the San Jose Police Academy. His career culminated in a 12-month stretch of four successive jury trials involving first-degree murder, second-degree murder, conspiracy to murder, and international drug trafficking and kidnapping. After many outstanding verdicts in difficult cases, Duffy joined CPM to continue the fight for the cause of justice. Duffy lives in San Carlos with his wife and two children.



TAMARAH P. PREVOST was born and raised in Vancouver, British Columbia, Canada and moved to California to attend Santa Clara University School of Law with a dream of pursuing legal work in social justice. She is very grateful to work with the talented, passionate attorneys at CPM, who have created a legacy for using their voices to speak for the voiceless. Tamarah practices employment law, representing employees in wide variety of disputes in state and federal court, arbitration, and administrative proceedings. She represents whistleblowers and victims of discrimination, sexual harassment, and racism in the workplace. Tamarah also practices in a wide range of other civil litigation areas including antitrust litigation and consumer rights, and is actively involved in the community. Since 2018, she has been Board Secretary for CORA, San Mateo's only non-profit agency solely dedicated to helping victims of intimate partner abuse.



JOHN P. THYKEN was born and raised in the East Bay with five older sisters. John attended Santa Clara University for both his undergraduate and law school education. Prior to joining CPM, John worked for a law firm where he acquired valuable insight into business and insurance practices he now uses to better serve his clients at CPM. John represents clients in matters involving catastrophic personal injury, wrongful death, mass torts, and other complex litigation. Presently, John is part of the CPM team on the Plaintiffs' Executive Committee representing families of victims of the Ethiopian Airlines Flight ET 302 crash in an action against The Boeing Company and its suppliers for their role in the creation of the deadly 737 MAX 8 airplane. John lives in Sunnyvale with his wife and daughter.



EMANUEL B. TOWNSEND was born and raised in Santa Cruz, CA. Emanuel received his Bachelor of Arts in American Studies from the University of California, Santa Cruz, graduating Cum Laude, with Honors in the Major. Emanuel received his J.D. from the University of California, Hastings College of the Law. Emanuel represents whistleblowers in qui tam actions in both state and federal court, victims of complex financial fraud, employees who have been unlawfully retaliated against or wrongfully terminated, victims of serious personal injuries, victims of physical and financial elder abuse, and individuals who have lost loved ones due to third-party negligence, recklessness, or intentional misconduct. Emanuel started at CPM as a case assistant then worked at the firm as a law clerk during his three years at UC Hastings. Shortly after joining CPM as an attorney, Emanuel obtained a multi-million dollar jury verdict. Emanuel lives in San Mateo with his wife and daughter.



KELLY WINTER WEIL, the newest member of CPM's Santa Monica office to become a partner, will join Gary Praglin and Managing Partner Robert Hutchinson in the continued expansion of CPM's Southern California office. A graduate of the University of California, Los Angeles and Loyola Law School in Los Angeles, Kelly came to CPM as a Senior Associate after spending nine years practicing in the areas of environmental toxic torts, pharmaceutical mass torts, and medical malpractice. Kelly brings a creative and interdisciplinary approach to her cases, specializing in the areas of environmental exposure, consumer protection, and a wide range of fraud cases. In addition to representing consumers who have been harmed by corporate greed, Kelly serves on the Plaintiffs' Steering Committee for the Southern California Gas Leak Cases caused by the largest release of methane in U.S. history. Kelly, who was born six blocks away from CPM's Santa Monica office, now lives in Topanga Canyon with her husband and daughter.

Cotchett, Pitre & McCarthy, LLP

- NEW ATTORNEYS -

**JAMES G.B. DALLAL**

- Rice University, B.A.
- University of California, Hastings College of the Law, J.D. cum laude
- Université Panthéon-Assas (Paris 2), LL.M. in European Law avec mention bien
- Practicing antitrust, securities and other complex business matters.

**KALI FOURNIER**

- University of Oklahoma, B.S. in Criminal Justice
- Marquette University Law School, J.D.
- Practicing complex civil litigation in securities losses, business fraud and elder abuse.

**LESLIE A. HAKALA**

- Harvard College, A.B., magna cum laude in Economics
- Yale Law School, J.D.
- Practicing civil litigation areas including class actions, complex commercial litigation, privacy, securities and consumer fraud, elder and dependent adult abuse, whistleblower claims, employment law, and corporate governance. She worked at the SEC for 12 years.

**BETHANY M. HILL**

- University of California, Los Angeles, B.A. in Political Science
- Yale Law School, J.D.
- Practicing False Claims Act litigation, consumer protection, financial elder abuse, employment law and other complex civil litigation.

**ANDREW F. KIRTLEY**

- Berklee College of Music, B.M.
- Vermont Law School, Master of Environmental Law and Policy
- Northeastern University School of Law, J.D.
- Practicing complex civil litigation, securities, antitrust and mass torts.

**KELSEY J. MOE**

- University of San Francisco, B.A. in Politics, Minor in Legal Studies, cum laude
- University of California, Hastings College of the Law, J.D.
- Practicing False Claims Act litigation, consumer protection, employment law, and other complex civil litigation.

**JULIA Q. PENG**

- University of California, San Diego, B.S. in Biology and B.A. in Political Science
- University of California, Los Angeles, School of Law, J.D.
- Practicing complex civil litigation in securities losses, business fraud, and elder abuse.

**CARLOS URZUA**

- California State University Fullerton, B.A. in Political Science, Minor in Communications
- Western State College of Law, Orange County, J.D.
- Practicing products liability, mass torts, professional negligence, wrongful death, and environmental torts.

San Francisco Chronicle

July 31, 2020

OPINION // OPEN FORUM

U.S. Senate must pass legislation to protect and preserve San Francisco Bay

By Jackie Speier



We are facing a perfect storm of unprecedented magnitude: the coronavirus pandemic and the climate crisis. The Trump administration's incompetent response has exacerbated the problem, consistently undermining and diminishing the scientific evidence. The same can be said about the federal response to the climate crisis. But while the tangible possibility of a vaccine provides hope against the virus, no such straightforward solution exists for climate change. Saving our planet will require unprecedented focus and investment from every sector of our society and all levels of government — especially the federal government.

Yet when it comes to the San Francisco Bay — a national treasure and the lifeblood of our region, producing over \$370 billion in goods and services annually and supporting more than 4 million jobs — the federal government has been complicit in its deterioration. A 2018 General Accountability Office (GAO) report specifically identified a lack of sufficient federal funding as one of the biggest risks to long-term restoration efforts.

If the federal government continues its inaction, it is signing the bay's death warrant.

Over the past 200 years, an alarming 90% of the bay's wetlands have been destroyed by human activity. Pollution from the rapidly developing region has flowed into the creeks, rivers, and streams that feed into the bay and the Pacific Ocean. By 2030, the rate of sea level rise is expected to drown our marshlands, robbing shoreline communities of natural flood protections.

Throughout my 12 years in Congress, I've worked to rectify this disaster and I'm excited to say we're finally making progress. Last week, the House passed the first of several appropriations bills for fiscal year 2021, which included \$15 million for San Francisco Bay restoration efforts — a nearly threefold increase from the current funding level and the largest increase to date. The money will be used for wetland and estuary restoration, endangered species recovery, studies for water quality improvement and adaptation to climate change.

I've also introduced the San Francisco Bay Restoration Act in each Congress, which would establish a San Francisco Bay Program within the EPA and provide the federal investment needed to protect the bay. After nearly a decade, it's passed in the House as part of the Moving Forward Act — the Democrats' \$1.5 trillion green infrastructure package. Through this crucial legislation, I was able to secure an authorization for \$250 million over five years for the Bay. This authorization will be critical for obtaining increased funding in the years to come.

The ecological and economic significance of the bay cannot be overstated. The San Francisco Bay watershed supplies drinking water for 25 million Californians and irrigation for roughly half the nation's fruit and vegetable production. It's also home to over 100 endangered and threatened species. The bill now sits on Senate Majority Leader Mitch McConnell's desk, awaiting consideration in the Senate. I urge the Senate to immediately pass this vital legislation and help save our beloved bay for current and future generations.

Jackie Speier represents the 14th district (most of San Mateo County, a slice of southwest San Francisco) in the U.S. House of Representatives.