

ADVOCATES FOR JUSTICE

SAN FRANCISCO BAY AREA • LOS ANGELES • SEATTLE • NEW YORK

CPM TAKES ON BOEING TO HOLD THEM ACCOUNTABLE FOR CRASH IN AFRICA



CPM together with the Clifford Law Offices represents more than 60 families who lost loved ones when an automated flight control system called MCAS installed on a Boeing 737 MAX 8 forced the plane to nosedive into a field in **Ethiopia** on March 10, 2019, killing all 157

people on board. It was the second MAX airplane to crash in less than five months and resulted in the MAX being grounded by regulatory agencies around the world. Now the MAX is flying again and Boeing is trying to turn the page on the crashes without admitting its wrongdoing. CPM is on the Plaintiffs Executive Committee, leading the fight for the more than 100 consolidated wrongful death cases against Boeing and its suppliers. Boeing has been trying to limit discovery in the case but Plaintiffs recently prevailed in a motion to compel disclosure of Board of Directors' records to uncover what the Board knew and why it failed to act after the first MAX crash. Attorneys **Frank Pitre**, **John Thyken** and **Nabilah Hossain** lead CPM's Boeing Team.

NORTHERN CALIFORNIA FIRE VICTIMS AWARDED \$13.5 BILLION



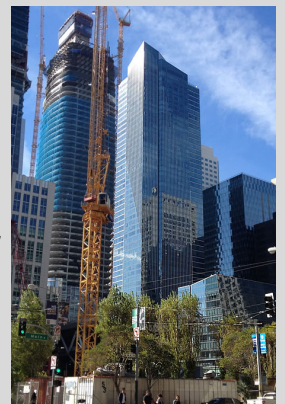
Frank Pitre, Duffy Magilligan, Julie Fieber and team at CPM have worked with a core group of law firms to prosecute claims for damages for fire victims against PG&E arising out of twenty-two separate wildfires that ravaged Northern California in 2017 and 2018. These efforts have led to the successful restructuring plan that resolves PG&E's Bankruptcy and includes payment to the wildfire victims in the amount of **\$13.5 billion**. 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.

MAJOR SETTLEMENT FOR SAN FRANCISCO'S MILLENNIUM TOWER OWNERS

After a few years of litigation, the Millennium Tower litigation resolved for the owners. The CPM team of **Frank Pitre, Niall McCarthy, Eric Buescher** and **Julie Fieber** achieved an excellent result for the clients in the millions of dollars. The settlement consists of (1) payments directly to unit owners for diminution in value losses and (2) repair of the building. The Millennium Tower settlement is one of the largest construction settlements in California history. CPM was privileged to represent such a great group of clients. Several owners responded to the work of CPM resolving the case;

"The entire CPM team was a pleasure to work with: direct, approachable, and flawlessly professional throughout. While the case was extraordinarily complicated and challenging, and a large part of your effort had to include plaintiff management, the focus, grace, and good cheer you exhibited never had me doubting the process would be smooth and the outcome positive."

"Niall - you and Frank and the whole team did outstanding work. We are grateful for your skill and hard work in getting this matter settled. Thank you!"



FINAL APPROVAL OF SETTLEMENT IN APPLE IPHONE CLASS ACTION PENDING UP TO \$500 MILLION FOR CONSUMERS

On December 4, 2020, Judge Edward J. Davila held a hearing to consider final approval of the historic settlement for almost 100 million U.S. consumers represented by CPM against Apple Inc. Apple will pay a minimum of **\$310 million and up to \$500 million** in cash compensation to settle a nationwide class action based on allegations that Apple issued software updates that slowed down the performance of certain iPhones. At the time of the final approval hearing, millions of class members had made claims to participate in the settlement. CPM served as Co-Lead Counsel for the Class of consumers. The case is being handled by **Joe Cotchett, Mark Molumphy, Brian Danitz, Tyson Redenbarger, Elle Lewis** and team.



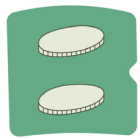
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RECENT MAJOR FILINGS & DECISIONS

Consumer Suit Filed Against Beam Financial Inc.



BEAM

CPM represents users of Beam's mobile banking app in a consumer action against the Fin-Tech company. As alleged, Beam represented that it was a secure banking app and specifically promised users high interest rates, no lockup and "24/7 access" to their accounts; contrary to these promises, members have been unable to withdraw their money and have not received the promised interest. The case is in the Northern District of California. The case is being handled by CPM attorneys **Brian Danitz, Tyson Redenbarger, Reid Gaa, Noorjahan Rahman** and team.

UBER INITIAL PUBLIC OFFERING ACTION FILED



CPM represents investors in the initial public offering of Uber, the San Francisco-based ride sharing platform. CPM alleges that Uber failed to disclose material information about its operations which, once revealed after the IPO, resulted in market losses. The case was recently consolidated with other actions in the United States District Court in San Francisco, with discovery expected to start in early 2021. The case is being handled by CPM attorneys **Mark Molumphy, Tyson Redenbarger, Noorjahan Rahman, Elle Lewis** and team.

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



8 years after CPM filed its initial complaint over the closing of Martin's Beach to the public litigation about the property continues. In 2016, the owner sued San Mateo County, the Coastal Commission, and the State Lands Commission asserting various constitutional claims related to the property. In December, a federal court granted CPM's Motion to Dismiss an amended complaint, a second victory for the County in the case. CPM attorneys **Eric Buescher, Joe Cotchett** and team represent the County.

NEW FIRE VICTIMS

CPM REPRESENTS SONOMA COUNTY VINEYARDS FOR DAMAGES IN 2019 KINCADE FIRE



The Robert Young family has been farming the Alexander Valley since the Gold Rush. Their history, livelihood, and lives were threatened when the Kincade Fire, ignited by PG&E electrical transmission lines, burned toward their property in October. **CPM's Frank Pitre, Duffy Magilligan, and Nabilah Hossain** are representing several families who suffered damages from the Kincade Fire which destroyed 77,758 acres and 374 structures throughout Sonoma County on October 23 and 24, 2019.

MAJOR VICTORY FOR GILEAD SHAREHOLDERS IN DELAWARE BOOKS AND RECORDS ORDERED DISCLOSED



Following a refusal to produce books and records by Gilead Sciences, Inc., a trial was held in Delaware Chancery Court in June 2020. Vice Chancellor McCormick issued a scathing opinion ruling in favor of shareholders seeking to inspect the books and records of Gilead. The Vice Chancellor found that the shareholders had a proper purpose for inspecting the books and records to investigate possible wrongdoing by Gilead. The wrongdoing allegedly involves Gilead's development, marketing, and sale of HIV drugs, antitrust violations, infringement of government patents, and defrauding of government programs. The Court held that Gilead's argument against inspection "borders on absurd." Plaintiffs were represented by **CPM's Tyson Redenbarger** at trial and supervised by **Mark Molumphy** and team.

Partial Settlement for Homeowners in the Alleged Fraudulent Clean-Up at Hunters Point Naval Shipyard



CPM represents homeowners who purchased condos and townhouses in "The Shipyards" development at the former Hunters Point Naval Shipyard (HPNS) in San Francisco. As alleged, Navy-contractor Tetra Tech falsified the testing and remediation of the superfund site and the homebuilders failed to disclose the full extent of the problematic clean-up and the full extent of the toxic history of the former Navy-owned property. CPM, along with the Gibbs Law Group and Bonner & Bonner, reached a \$6.3 million class action settlement with the homebuilder defendants in the Fall which is awaiting approval by the District Court. The homeowners' case against Tetra Tech will continue, represented by CPM attorneys **Joe Cotchett, Anne Marie Murphy, Duffy Magilligan** and team.

FALSE CLAIMS & CONSUMER FRAUD UPDATE



SUCCESS FOR CALIFORNIA SMALL DAIRY FARMERS WITH QUOTA'S FOR MILK

For 50 years California dairy farmers have purchased quota, an asset unique to the dairy industry. Quota allows small dairy farms to stay in business by helping guarantee an income stream. The one billion dollar quota industry in California was threatened by two lawsuits targeting this staple of the California dairy industry. **Niall McCarthy, Brian Danitz, Nazy Fahimi and Andrew Kirtley** led the CPM team representing the dairy farmers. The CPM team achieved two landmark victories. **First**, after a two-day evidentiary trial, an Administrative Law Judge agreed with CPM and ruled that the attempt to eliminate quota in California via an industry referendum was illegal and halted the referendum process. **Second**, the CPM team beat back a writ of mandate in Sacramento Superior Court which would have retroactively eliminated quota and severely hurt dairy farmers' ability to survive.

Oroville Dam Collapse Case Ready for Trial



CPM represents farmers in Butte and Sacramento counties whose crops and trees were destroyed by water releases caused by the February 2017 Oroville Dam Spillway failure. After delays caused by COVID-19, the first phase case is set for trial in Sacramento in April 2021. At issue is whether the Department of Water Resources ignored warning signs about problems with the dam that were known for years. The case has been widely reported in the media and the trial is highly anticipated in the agricultural community. The case is being handled by **Niall McCarthy, Eric Buescher** along with Co-Counsel at **Gardner, Janes, Nakken, Hugo & Nolan** from Woodland, California.

CPM Takes On Hip and Knee Replacement Healthcare Scam



In a major victory for patients and taxpayers, **CPM** defeated a series of Motions to Dismiss filed by orthopedic surgeons accused of taking bribes in exchange for using specific hardware in hip and knee replacement surgeries. CPM filed the case on behalf

of two whistleblowers in the United States District Court for the Central District of California. The case is being handled by **Justin Berger, Robert Hutchinson, and Carlos Urzua**.

CPM Continues String of Whistleblower Victories in the Medical Laboratory Industry



CPM has defeated Motions to Dismiss in two more False Claims Act cases against clinical medical laboratories accused of paying kick-backs to physicians to induce them to order excessive laboratory tests. Over the past decade, CPM has successfully represented multiple whistleblowers rooting out various forms of fraud in the medical laboratory industry. The latest cases are against Crescendo Bioscience Lab and Vibrant America, and are being handled by **Justin Berger, Bethany Hill** and team.



MAJOR WIN IN FALSE CLAIMS ACT CASE AGAINST TEXAS PHYSICIAN GROUP

On behalf of three whistleblower clients, **CPM** successfully moved for Partial Summary Judgment against a San Antonio-based physician group specializing in peripheral vascular disease. The False Claims Act lawsuit alleges that the group overcharged taxpayers by millions of dollars when it used the wrong CPT codes to bill Medicare. The federal District Court ruled in CPM's favor, determining that the defendant had knowingly used the wrong codes. Trial is set for April 2021 to determine the full extent of damages. CPM partners **Justin Berger** and **Nazy Fahimi** are handling the case.

CONSUMER CASES UPDATE

CPM HELPS MOBILE HOME PARK TENANTS OVER UNLAWFUL RENT INCREASES



CPM, is working with the **Legal Aid Society of San Mateo County** on the pro bono representation of a group of low income and elderly residents of a mobile home park in La Honda, related to allegations that the park had for years been imposing unlawful rent increases. Working together, CPM and Legal Aid seek to ensure that park tenants pay only the amount of rents lawful under the San Mateo County Rent Ordinance. **Frank Pitre** and **Julie Fieber** lead the CPM team.

CPM DEFEATS CALRECYCLE'S CLAIM OF BLANKET IMMUNITY FOR PARADISE FIRE CLEAN-UP



In a case involving representation of a trucker exposed to toxic debris during cleanup of the Paradise fire site, **CPM** defeated CalRecycle's claim of blanket immunity based on statutory immunity under the Emergency Services Act. The court said factual issues related to the nature of CalRecycle's involvement in the cleanup precluded dismissal of the claims against it at the pleading stage. The alleges negligence against CalRecycle and its general contractor for the Paradise Fire cleanup. **Frank Pitre** and **Julie Fieber** lead the CPM team.



CPM represents Parents of Teen Killed in Saugus High Shooting in Suit Against School District in Los Angeles Superior Court

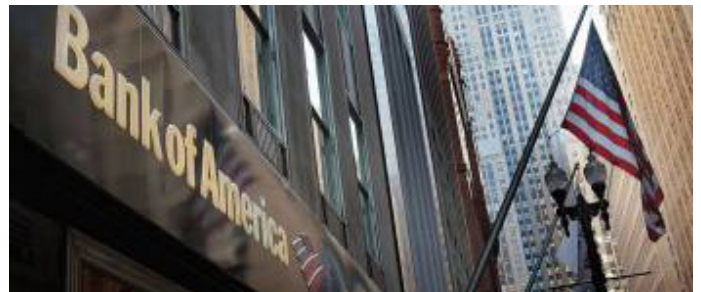
The parents of a 15-year-old girl who was shot and killed by a fellow student at Saugus High School last November are suing the William S. Hart Union High School District, alleging a failure to take basic steps to supervise students on campus. The wrongful death/negligence lawsuit was filed in Los Angeles County Superior Court by Bryan and Cindy Muehberger, the parents of Gracie Anne Muehlberger. The couple are also suing the coroner's office, alleging it released their daughter's name before they could notify friends and family members about the tragedy themselves. As alleged in the complaint, campus security was supposed to be provided by one unarmed sheriff's deputy and nine campus supervisors, but none were present at the time of the shooting. It is also alleged that campus security cameras were obscured and/or not monitored. In short, the allegation is that the school failed in its duty to ensure that personnel were watching over the campus and students the day of the shooting. The **CPM** team handling this case includes **Frank Pitre**, **Julie Fieber** and the Santa Monica office.

Paradise, California Fire Victims Move Towards Settlement Process



CPM is working on behalf of hundreds of people impacted by PG&E-caused wildfires in 2017, 2018 and 2019, including the tragic burning of the city of Paradise, California, which cost the loss of 88 lives. **CPM's** wild fire team has been documenting personal and business losses and submit claims to the PG&E bankruptcy fire victim trust. Payments are being made as part of a settlement agreement whereby PG&E has previously admitted liability, and agreed to a process to calculate and fund payments to those injured by its negligence. It is anticipated that pro rata payments will begin by March 15, 2021, although, according to the most recent communication from the trustee, it is not yet known when claimants will receive their specific offers. The CPM team working on these claims includes **Frank Pitre**, **Duffy Magilligan**, **Julie Fieber**, and **John Thyken**.

Bank of America Sued for Failing to Protect Unemployment Benefits



CPM filed a lawsuit alleging that Bank of America totally failed to perform its contract to distribute California unemployment benefits and, as a result, thousands have been defrauded of their benefits. The complaint alleges that BOA has been unwilling or unable to handle the volume of claims brought by victims, leaving those most in need without a safety net during the pandemic. The lawsuit alleges BOA violated numerous laws, including the federal Electronic Funds Transfer Act and the California Consumer Privacy Act. The case is being handled by **Brian Danitz**, **Noorjahan Rahman**, **Andrew Kirtley**, **Julia Peng** and team.

SECURITIES AND STOCK FRAUD ACTIONS UPDATE

CPM Represents Users Harmed by Robinhood Outages



CPM serves as Co-Lead Counsel representing consumers who were harmed when Robinhood, an investing app and website, crashed for several days in March 2020. The service outages were devastating to many customers as the service was down during historic movement in the markets – and users were left completely helpless. Many users suffered large financial losses while others missed out on opportunities while the app, website, and customer support were entirely unavailable. The case is assigned to Judge James Donato in the Northern District of California. The case is being handled by **Anne Marie Murphy, Mark Molumphy, Tyson Redenbarger, Noorjahan Rahman, Julia Peng** and team.

CPM SERVING AS CO-LEAD COUNSEL AGAINST ZOOM FOR FAILURE TO PROTECT PRIVACY



CPM was appointed Co-Lead Counsel in a consolidated action against the popular video calling service Zoom, in the United States District Court in San Francisco. The case involves claims that Zoom lacked proper security and failed to protect its users' privacy, sharing personal information without users' consent or knowledge. The case also includes claims that Zoom falsely promoted its video calling services as having "end-to-end encryption" when it did not, and permitted unauthorized users to "Zoombomb". "Zoombombings" are intentional interruptions of video calls where uninvited bad actors infiltrate video calls and display horrific images, often accompanied by hateful language. CPM represents two churches that were traumatized by Zoom-bombers who hijacked video calls and played despicable videos during bible studies and Sunday services. The case is being handled by **Mark Molumphy, Tyson Redenbarger, Noorjahan Rahman, and Julia Peng**.

EVENTBRITE PUBLIC STOCK OFFERING CASE MOVES FORWARD



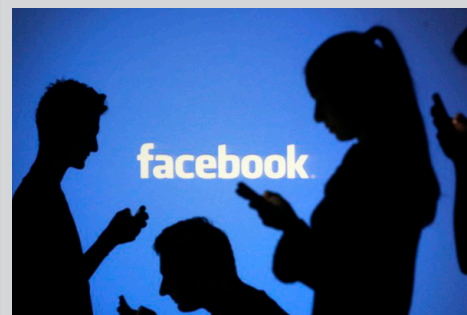
In December 2020, the Superior Court rejected Eventbrite's attempts to dismiss CPM's complaint – paving a way for the case to move forward. The case centers around Eventbrite's IPO, in which Eventbrite portrayed the company as having achieved great success with its recent acquisitions of other ticketing companies. However, as alleged, that was not the case. According to the complaint, Eventbrite was facing significant problems at the time it went public, something the company failed to tell investors. CPM seeks to recover damages for investors who purchased Eventbrite stock pursuant to the misleading IPO documents. The case is being handled by **Mark Molumphy, Tyson Redenbarger, Noorjahan Rahman, Elle Lewis** and team.

SLACK TECHNOLOGIES IPO LAWSUIT RECEIVES GREEN LIGHT TO MOVE FORWARD



CPM is Co-Lead Counsel for investors who bought stock in the initial public offering of Slack, a San Francisco-based technology company that offers a cloud-based productivity platform, alleging that the prospectus contained misleading information about the company's condition. The class action is pending in San Mateo County Superior Court. The court allowed the action to move forward under the Securities Act of 1933 and now moves into the discovery phase. CPM attorneys handling the case are **Brian Danitz, Noorjahan Rahman** and team.

Facebook Derivative Action Moves Forward in Delaware



CPM represents Facebook shareholders in derivative litigation relating to Facebook's failure to protect the personal data of millions of its users in the Cambridge Analytica breach. Facebook was fined \$5 billion by the FTC, by far the largest penalty ever imposed for a violation of privacy rights. With the completion of the "books and records" trial, the case will proceed in Delaware. CPM attorneys handling the case are **Mark Molumphy, Tyson Redenbarger, Noorjahan Rahman** and team.

ENVIRONMENTAL & CIVIL LIBERTIES UPDATE

CPM Successfully Resolves Case to Protect Park Space as Part of New Development in San Francisco



CPM represented the Open Space Preservation Society, a non-profit organization in San Francisco working to protect and promote public access to open space and parks within the City. OSPS sued in 2019 over a proposed development at 3333 California Street. OSPS and the defendant reached a resolution of those claims that will preserve

existing green space at the site and increase the amount of publicly accessible open space to be included as part of the new development by nearly 5,000 square feet while allowing the construction of hundreds of units of affordable and senior housing at the project. **Eric Buescher** and **Emanuel Townsend** handled the case for CPM.

CPM CLEAN AIR LITIGATION GROUP



CPM represents thousands of individuals and numerous communities in seeking justice from environmental polluters, including public utilities and private industry, responsible for releasing climate-warming chemicals such as methane, cancer-causing chemicals such as benzene and

formaldehyde, and chemicals responsible for acute adverse health impacts including petroleum hydrocarbons and natural gas odorants into the air surrounding residential communities. CPM lawyers have a firm grasp on regulatory and health-protective screening levels and have years of experience in particularly complex mixed exposure cases. CPM lawyers **Gary Praglin** and **Kelly Weil** from the Santa Monica office and **Julie Fieber** from the Burlingame office continue to investigate and fight for the protection of clean air.

CPM JOINS FORCES IN POLLUTION GROUNDWATER CASES



CPM recently teamed up with two law firms, Casey Gerry and Grant & Eisenhofer, to represent municipalities and water districts in connection with "PFAS" groundwater contamination. PFAS is short for polyfluoroalkyl substances. It includes toxic chemicals that persist in groundwater and eventually in drinking water as a result of historic industrial discharge to the ground. The manufacturers of PFAS chemicals long ago knew that the

harmful chemicals would persist in the groundwater, but said nothing, and continued to sell the chemicals for widespread use. Recent EPA standards require water providers to clean up PFAS from the water. The case is being investigated and handled by **Niall McCarthy**, **Julie Fieber**, **Gary Praglin**, **Kelly Weil** and **Kali Fournier** out of the Santa Monica office.



CPM Wins Lawsuit to Ensure Redwood City Salt Ponds are Protected by the Clean Water Act Against Trump EPA

In 2018, the Trump Administration overrode local EPA officials' determinations that the Redwood City Salt Ponds were waters of the United States, protected by the Clean Water Act. CPM, on behalf of Green Foothills and other non-profits, joined by counsel at Earthrise Law Center, as well as the State of California, filed suit challenging the Trump EPA's conclusion that the Salt Ponds were not protected under federal law. In October, the court agreed with CPM and the plaintiffs, finding that the Trump Administration's determination was arbitrary, capricious, and inconsistent with the Clean Water Act. As a result, any future efforts to develop the Salt Ponds Site must occur in a way that protects the San Francisco Bay and the flora and fauna that thrive at the Site and benefit the surrounding community. The case was led by **Joe Cotchett**, **Pete McCloskey**, **Eric Buescher** and **Nazy Fahimi** for CPM.

COURTS REJECT TRUMP ADMINISTRATION'S ATTEMPT TO DISMANTLE DACA



In June, the U.S. Supreme Court held in a historic 5-4 decision that the Trump administration's rescission of DACA was "arbitrary and capricious." The administration's further efforts to limit DACA have been rejected by the courts. CPM represents the City of San Jose on a pro bono basis. The case is handled by CPM attorneys **Justin Berger**, **Brian Danitz**, **Tamarah Prevost** and team.

ANTITRUST & BUSINESS FRAUD UPDATE

NANCI NISHIMURA APPOINTED TO STEERING COMMITTEE IN CASE AGAINST GOOGLE FOR MONOPOLISTIC PRACTICES



CPM filed an antitrust class action on behalf of plaintiffs who purchased and paid Google for one or more apps through the Google Play Store, and allegedly overpaid or otherwise suffered economic losses due to Google's monopolization of the market. This case is pending in the Northern District of California, San Francisco Division, before the Honorable James Donato. **Nanci Nishimura** was appointed to the steering committee, and will handle the case with **Adam Zapala**, **Elizabeth Tran Castillo** and **Noorjahan Rahman**.



CPM Sues U.S. Chicken Producers for Price-Fixing Claims by Buyers *USDC - Chicago, Illinois -*

CPM and Gustafson Gluek serve as Co-Lead Counsel for commercial and institutional indirect purchasers ("CIIPPs") 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. The Court preliminarily approved CIIPPs settlement with Peco Foods, Inc. and George's Foods, Inc. for \$7,050,000.00. This case is being handled by **Adam Zapala**, **Elizabeth Tran Castillo**, **Alexander Barnett**, **Tamarah Prevost**, **James Dallal** and team.



CPM Files Antitrust Case Against Beef Processing and Packing Companies *USDC - 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.

EMPLOYMENT LITIGATION



CPM employment attorneys represent employees who have been wrongfully terminated on the basis of their race, gender, or other protected characteristic, or in retaliation for whistleblowing.

In light of the COVID-19 pandemic, we have seen a sharp increase in the numbers of employees who have been wrongfully terminated, discriminated, and harassed by employers. Certain vulnerable workers, including those who are disabled, pregnant, or more frequently exposed to COVID-19 by the nature of their professions are especially susceptible to unlawful treatment by their employers. CPM attorneys represent many such employees to assert their legal claims in exchange for fair compensation.

If you have an employment dispute or believe you were unlawfully terminated, contact:
Tamarah Prevost (tprevost@cpmlegal.com) or Adam Zapala (azapala@cpmlegal.com)

CPM LITIGATING MAJOR CALIFORNIA WATER POLLUTION

LAWSUIT AGAINST THE CITY OF FRESNO FOR WATER CONTAMINATION

CPM Water Rights Litigation Group



CPM filed suit against the City of Fresno for causing degradation of pipes to deliver residential water. Impacted residents live in the northeast part of the city and surrounding areas served by Fresno's Northeast Surface Water Treatment Facility. The class action lawsuit alleges that Fresno designed and approved changes to its water supply systems despite the known risk of corrosion and leaching of metals into the pipes. It is alleged that Fresno's failure to operate its system within established parameters stripped the protective layer inside residential pipes introducing iron and lead into residents' drinking water and damaged their homes and plumbing. Many affected residents have experienced discolored water from their faucets and showers. Harm for which the lawsuit seeks relief includes, but is not limited to, damage to pipes and plumbing, diminished property values, the cost of remediation and re-plumbing and costs associated with contaminated. The case is being litigated by **Frank Pitre, Julie Fieber, John Thyken** and team along with Co-Counsel.



CPM's Water Rights Litigation Group is continuing its multi-year investigation into corporate abuses and taking of public water by private corporations. The trend toward consuming bottled water instead of soft drinks has created a booming – and very profitable – line of business for beverage companies. In fact, in 2017, bottled water surpassed soft drinks in popularity. This has led some private companies to engage in unscrupulous practices to gain or maintain access to this limited natural resource. **Joe Cotchett** and **Nirav Engineer**, head the firm's ongoing effort to shed light on private enterprises that are profiteering at the environment's expense.

INVESTIGATION OF POLLUTED RESIDENTIAL TAP WATER



CPM is investigating the pollution of public tap water in cities and counties throughout California. Several water companies are providing residents with water filled with contaminants in violation of health-based drinking water standards. Testing has revealed that the residential water in many locations contains impermissibly high levels of cancer-causing agents, including chloroform and chromium. In many cases, the excessive levels of these carcinogens have been known to the water department for many years. The investigation is being handled by **Joe Cotchett, Bob Hutchinson, Frank Pitre, Julie Fieber** and team. **Alex Barnett** is investigating similar claims in East Coast states from CPM's New York office.

Water and Air Potentially Contaminated by Fracking at California Sites



Fracking continues to pose a potential threat to water and air quality in at least ten California counties. **CPM** is investigating the effects of fracking, including the release of potential carcinogens into the groundwater. Fracking is a technique used to release oil from deep underground rocks. Water is mixed with sand and potentially hazardous chemicals. The mixture is then injected into the ground under high pressure. This creates small fractures in the rock, which releases the underground oil. Fracking is known to occur in Los Angeles, Monterey, Sacramento, Santa Barbara, Ventura, Sutter, Kings, Glenn, Colusa, and Kern Counties. The practice also occurs in offshore wells along the California coast. CPM's investigation is led by **Frank Pitre, Bob Hutchinson** and **Nirav Engineer** through the Santa Monica office.

CPM's Dedication to Environmental Protection and Justice



Protecting the environment is a core belief of **CPM**. The firm continues to be one of the foremost law firms in the Country prosecuting cases on behalf of people and communities who have been injured by pollution, chemical releases, and contamination of drinking water and the air. CPM has represented indigenous Californians, public entities such as cities, counties and water districts – all affected by pollution.



COVID-19 LITIGATION



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

CPM, along with Co-Counsel, represents individuals who contracted COVID-19 aboard Carnival-owned Princess cruise ships or lost a family member to the deadly virus. The complaints allege that Carnival and its wholly owned subsidiary Princess put the profits associated with ticket prices and onboard purchases above the safety of its passengers when it boarded the Grand Princess and Coral Princess cruise ships in February and March of 2020 knowing that the highly contagious virus posed the risk of injury and death to its passengers. The cases are handled by CPM's **Robert Hutchinson, Nanci Nishimura, Kelly Weil** and **James Dallal**.



COVID-19 RESTAURANT INSURANCE CASES MOVE FORWARD

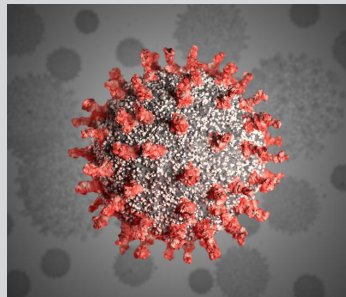
CPM represents two iconic San Francisco restaurants – **Cliff House** and **John's Grill** – in suits against insurance companies who flatly denied coverage for the business interruption losses caused by the COVID-19 pandemic. Both cases are pending in San Francisco Superior Court. In John's Grill, the district court rejected The Hartford's attempt to remove the case to federal court. In Cliff House, Allianz filed an answer and the action now moves into the discovery phase. CPM attorneys handling the case are **Nanci Nishimura, Brian Danitz, Andrew Kirtley** and team. These cases are being watched by the entire country including restaurants and businesses across the nation.

CPM Represents Family of Victim who Died in an LA County Nursing Home - One of Many COVID-19 Victims –



CPM's landmark case against Hollywood Premier Healthcare Center continues after CPM prevailed against several of the nursing home's attempts to delay and terminate the case, using tactics being deployed across the country by nursing home operators to claim immunity against wrongful death claims. CPM represents the family of retired veteran Vincent Martin who died of COVID-19 at the facility. As alleged, HPHC had one of the State's worst outbreaks of COVID. 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 unchecked given understaffing and lack of PPE. A nurse at HPHC admitted to the family that there were only two nurses for 83 residents. As alleged, the attending doctor, who knew 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, Carlos Urzua, Kali Fournier** and team.

CPM Represents Family of Man with Down Syndrome Who Died at Villa Mesa Care Center



CPM represents Cynthia Carrillo, the sister of David Carrillo, in an elder abuse and wrongful death action against Villa Mesa Care Center, a nursing home in Upland, California. As alleged, Carrillo was badly neglected at Villa Mesa—losing almost all ability to walk over a few short months in Villa Mesa's care. As further alleged in the complaint, the nursing home failed to inform Cynthia Carrillo that her brother was gravely ill with COVID-19 and had injuries on his body—instead Cynthia learned of her brother's illness and injuries only after David was hospitalized, a few short days prior to his death. The case is being handled by **Anne Marie Murphy, Carlos Urzua, Kali Fournier, Sam Gutin** and team. CPM has a long history of representing senior and their families in litigation against the nursing home industry over neglect and abuse.

HONORS FOR CPM ATTORNEYS

PETE McCLOSKEY'S LAST VOTE AS A MEMBER OF ELECTORAL COLLEGE

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Niall McCarthy Admitted to the American College of Trial Lawyers



Niall McCarthy was admitted to the American College of Trial Lawyers. "The American College of Trial Lawyers (ACTL) is composed of preeminent members of the Trial Bar from the United States and Canada and is recognized as the leading trial lawyers organization in both countries. Fellowship is extended only by invitation, after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Niall McCarthy joins **Joe Cotchett**, **Frank Pitre** and former partner **Susan Illston** (now a U.S. Federal Judge) in this honor.

DAILY JOURNAL'S TOP 100 LAWYERS IN CALIFORNIA - 2020



CPM has been honored again by naming **Joe Cotchett**, **Frank Pitre** and **Mark Molumphy** to their list of the **Top 100 lawyers in**

California for 2020. Several CPM lawyers have been on the list for numerous years selected by their peers, Judges and others in the profession.

Nazy Fahimi Serves on the Board of the Iranian-American Political Alliance Committee and Green Foothills Board



CPM partner **Nazy Fahimi** serves on the board of the Iranian American Political Alliance Committee (IAPAC), which is the Public Affairs Alliance of Iranian Americans (PAAIA). PAAIA is a nonprofit organization that serves the interests of Iranian Americans. Nazy continues to serve as a Board member for **Green Foothills**. Green Foothills protects open space, farmland, and natural resources in San Mateo and Santa Clara Counties through advocacy and grassroots action.

Tamarah Prevost Appointed Co-Chair of Membership Committee of American Association of Justice Named Top 40 Under 40 Plaintiff Lawyers



CPM partner **Tamarah Prevost** was recently appointed as a Co-Chair of the Membership Committee for the New Lawyers Division of the **American Association of Justice** (AAJ) and appointed to the AAJ Publications Committee by AAJ's President, Tobi Millrood. The AAJ is a national organization comprised of plaintiffs' attorneys aimed at defending Americans' right to trial by jury and protecting clients' rights. Prevost also serves as the Board Secretary for **CORA** (Communities Overcoming Relationship Abuse). CORA's services are designed to provide safety, support, and healing for partner abuse. She was recently named to the Top 40 Under 40 Plaintiff Lawyers in California.



CPM Attorneys Selected to Irish Legal 100 for 2020



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.

CPM Partner Nanci Nishimura Selected by the Daily Journal to Top Women Lawyers in 2020

Gavin Newsom Appoints Nishimura to the California Uniform Law Commission



CPM partner **Nanci Nishimura** has been selected to the **Daily Journal's Top Women Lawyers for 2020**. She was recognized for her work on complex civil litigation focused on antitrust and business cases and community-based pro bono work. Governor Gavin Newsom recently named Nishimura to the **California Uniform Law Commission**. She serves on the Commission on Judicial Performance, including two years as the first woman lawyer Chair. She is a Trustee and Commissioner of the Asian Art Museum, Trustee of the California Science Center Foundation, and serves many other community organizations, including as a national Co-Chair of the Leaders Forum to promote Asian American Pacific Islander leadership.

Zapala Named President of the Board for Legal Aid Society of San Mateo County One of Top Antitrust Attorneys



CPM partner **Adam Zapala** was recently appointed President of the Board for the **Legal Aid Society of San Mateo County**. Zapala has been involved with the Legal Aid Society of San Mateo County for several years and served as the Vice President and Secretary. The organization helps low-income clients with civil legal issues in our courts. In 2020, Zapala was named one of the Top Antitrust Lawyers in California by legal press.

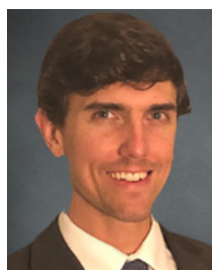
Cotchett, Pitre & McCarthy, LLP

- NEW PARTNER -



KARIN B. SWOPE raised in Seattle, she received her B.A. from Amherst College and her J.D. from Columbia Law School. Following her graduation from Columbia Law School, Karin served as a law clerk to the Honorable John C. Coughenour in the U.S. District Court for the Western District of Washington, and as a law clerk to the Honorable Robert E. Cowen of the U.S. Court of Appeals, Third Circuit in Philadelphia. She has been an Adjunct Professor of Intellectual Property Law at Seattle University School of Law since 2008, and is currently President of the Intellectual Property Section of the Washington State Bar Association. Karin focuses on intellectual property litigation and counseling, consumer protection law, ERISA law, antitrust and securities litigation, with a particular emphasis in federal court litigation. She will be the partner in charge of CPM's new legal operations in **Seattle**.

- NEW ATTORNEYS -



KEVIN J. BOUTIN raised in the San Francisco Bay Area, he received a B.A. in business economics from University of California, Santa Barbara. After college, he received a J.D. from UC Davis School of Law where he earned a certificate in environmental law and served as Senior Articles Editor for the UC Davis Law Review. During law school, Kevin worked as an extern for the Honorable Consuelo Callahan at the Ninth Circuit Court of Appeals in Sacramento. Kevin focuses on employment law, consumer protection, and commercial litigation. Kevin lives in Pacifica with his wife. He is in the **Burlingame office**.



NABILAH A. HOSSAIN raised in New York and moved to San Francisco last year to practice law in California, she received her B.A. from New York University and her J.D. from Brooklyn Law School. Nabilah was a prosecutor at the New York County District Attorney's Office for eight years and then worked in the same position at the San Francisco District Attorney's Office prior to joining CPM. Nabilah tried many cases to verdict as a first chair and second chaired several others, including matters involving homicide, sexual assault, and larceny. Nabilah represents clients in matters involving wrongful death, mass torts, and other complex litigation. Presently, Nabilah is part of the CPM team on the Plaintiff's 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. Nabilah lives in San Francisco with her husband. She is in the **Burlingame office**.



THERESA E. VITALE raised in Long Beach, California, she received her B.A. from the University of California, Berkeley where she studied English and Italian. After college she moved back to Southern California where she worked as a paralegal before attending Loyola Law School. She received the Fritz B. Burns Scholarship, awarded to the top ranked entering law student, which covered her throughout law school. During law school she continued to work full-time, externed for the ACLU of Southern California with the Immigrants' Rights Group, worked as a research assistant, and represented minors as a certified law student in the Juvenile Justice Clinic. She focuses on employment, business fraud, class actions, elder abuse and injury. Theresa lives in Los Angeles and is in the **Santa Monica office**.



UNIVERSITY OF CALIFORNIA HASTINGS COLLEGE OF THE LAW'S ACADEMIC VILLAGE NAMED FOR ALUMNUS JOSEPH W. COTCHETT

The six-story, Cotchett Law Center is the first of four new or renovated buildings to transform the law school into a major academic village in San Francisco



In August 2020, UC Hastings honored alumnus Joseph W. Cotchett '64 by naming its new academic building in San Francisco's Civic Center, the UC Hastings Cotchett Law Center. This is the first new building that will anchor the Academic Village for UC Hastings. He is considered one of America's most distinguished attorneys. UC Hastings alumni include California Supreme Court and Appellate Justices, Superior Court Judges, Federal Judges and Magistrates, state legislators, District Attorneys and Public Defenders, federal officials, including **Congresswoman Jackie Speier** and **Vice President Kamala Harris**.

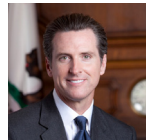


"We are proud to name the cornerstone building of our Academic Village the Cotchett Law Center. Joe Cotchett is a true lion of the law, a fierce and effective advocate for those he represents, including many without means to afford the strongest voice, whom he has represented pro bono. We will work to ensure that our students understand and emulate the commitment to fairness and justice that Joe has brought to the practice of law over a long and storied career."

- UC Hastings Law Chancellor
& Dean David L. Faigman

"Joe Cotchett is a true champion both inside and outside the courtroom, with a career and a spirit that embody the soul of our great state. He has been an advocate for the underdog for many decades, and he is fearless in his pursuit for true justice, Joe is a public servant in every sense of the word, and fights for causes with passion and grit that are equal to none. More importantly, he values family, friends, and colleagues above everything. I am so proud of Joe's achievement and I hope the future generations of lawyers at UC Hastings Law will serve their cause with as much courage and love as he has."

- California Governor Gavin Newsom



"Today we dedicate a building that is big, like Joe, that is a little intimidating, like Joe, and that is solid, like Joe. He is the gutsiest, grittiest, scrappiest, and never shrinks from fights with the biggest corporations of America."

- U.S. Rep. Jackie Speier, D-San Mateo, Hastings Law '76



CPM EVENTS FOR **BIDEN** **HARRIS**



- EVENTS LEADING UP TO THE NOVEMBER 2020 ELECTION -
(ALL EVENTS PRECEDED MASK REQUIREMENTS)

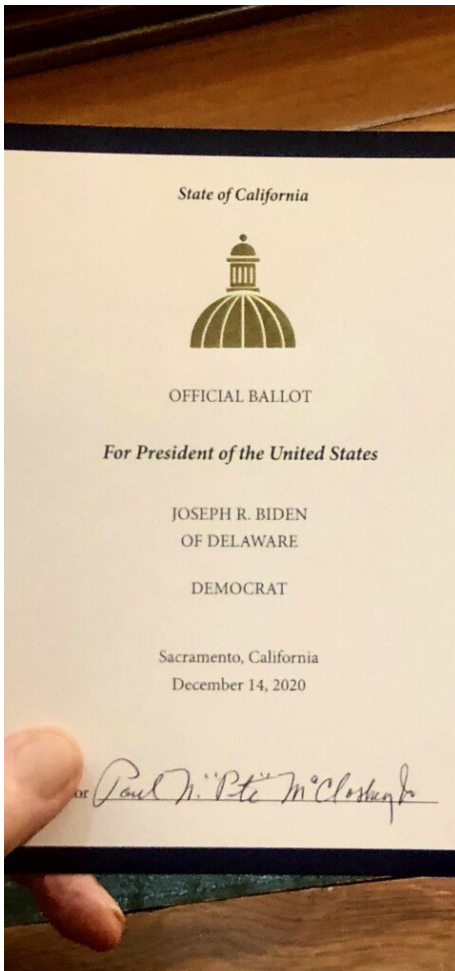


PAUL "PETE" McCLOSKEY, JR.

HIS LAST VOTE

- ELECTORAL COLLEGE 2020 -

On December 14, 2020, decorated Korean war hero, former Congressman Paul "Pete" McCloskey and CPM partner, cast his Electoral College ballot at the State Capitol in Sacramento. The 93-year-old McCloskey cast his last Electoral College votes for Joseph Biden for President and Kamala Harris for Vice President of the United States of America. Pete is considered to be one of the most outstanding of our former Congressmen.



***"To be an elector
is a great honor.
I know Joe Biden,
he is a decent, honest,
compassionate man,
something we
haven't had in the
White House."***

**- Paul "Pete" McCloskey
Partner - CPM**



COMMUNITY ACTIVITIES



CPM Hosts Virtual Food Drive for Those in Need

Due to the pandemic, **CPM** was unable to keep up with their annual tradition of volunteering their time to Second Harvest Food Bank. Instead CPM created a virtual food drive and raised thousands of dollars to give to those in need. Thousands of people are getting help from food banks for the first time and CPM values giving back to our community.

CPM Staff Distributes Food to the Homeless during the Holidays



CPM staff helped distribute food to the homeless in the **Oakland** and other Bay Area cities during the holidays. Each bag was filled with a week's supply of food. Since the pandemic, there has been an increase in homeless campsites around Berkeley and Oakland. This program was coordinated by CPM's Case Assistant, **Camilla Cotchett** and her team from CPM.

CPM is Major Donor to the San Mateo Police Activities League During 2020



CPM was among one of the top donors to the San Mateo Police Activities League (PAL). During this difficult year, San Mateo PAL relies heavily on donations to "continue the important work [they] do in the community by 'Building the Bonds between Cops & Kids'". CPM's Human Resources Director, **Darren Kelley** serves as **President** of PAL's Board of Directors.

CPM Proudly Supports Season of Sharing Fund



For years, **CPM** has been a major contributor to the *San Francisco Chronicle's* Season of Sharing Fund. Since 1986, the Chronicle Season of Sharing Fund has distributed \$150 million to help thousands of Bay Area families. The Fund offers grants to help families in crisis so they can pay for housing and emergency needs. CPM is proud to be able to assist low income families, seniors, veterans, the disabled, fostered youths and victims of domestic violence, especially in this time of pandemic crisis.

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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)