

ADVOCATES FOR JUSTICE

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



FEDERAL COURT ISSUES INJUNCTION AGAINST BofA TO PROTECT CALIFORNIA'S UNEMPLOYED - NAMES CPM LEAD COUNSEL

CPM stepped up to help the unemployed as Co-Lead Counsel in a multi-district class action lawsuit against Bank of America alleging BofA breached its exclusive contract with the California Employment Development Department (EDD) and violated the rights of California's unemployed. CPM alleges that during the pandemic thousands of Californians had their benefits stolen out of their prepaid debit card accounts due to the BofA's failure to implement basic security measures. Under federal law, BofA is required to investigate claims of unauthorized transactions. BofA summarily denied cardholder claims and froze their accounts. In April, CPM filed a Motion for Preliminary Injunction, supported by the testimony of benefits recipients who described the harm caused by the BofA's practices, including losing their homes. After a hearing on the motion, the district court found that "the harm being suffered by the class members is irreparable" and granted a sweeping injunction, prohibiting BofA from violating federal law and breaching its contracts with EDD debit cardholders. The case is being handled by **Brian Danitz, Joe Cotchett, Karin Swope, Noor Rahman** and **Andrew Kirtley** along with Co-Counsel from Altshuler Berzon.



LAWSUIT SEEKS TO STOP GOOGLE FROM SECRETLY SELLING AMERICANS' PRIVATE INFORMATION WITHOUT INFORMED CONSENT

In May, CPM filed a lawsuit in the U.S. District Court in San Jose, alleging that Google violates the privacy rights of its users by secretly collecting and selling their personal information. The Complaint alleges that Google's promise that it "will never sell any personal information to third parties" and "you get to decide how your information is used" is false. In fact, the complaint alleges Google secretly tracks consumers across the Web and sells their personal information to buyers in real-time auctions for targeted ads. CPM has been tracking the alleged violations for months and cites investigations by Congress and regulators in the European Union and United Kingdom. The Complaint alleges that Google collects sensitive personal information through its numerous products, including the Google.com search engine, the Chrome web-browser, Gmail, Google Maps, and YouTube, to name a just few. The case is being handled by **Brian Danitz, Joe Cotchett, Nanci Nishimura, Noor Rahman, Andrew Kirtley** and team along with Co-Counsel from Knox Ricksen.

FIGHT AGAINST BOEING CONTINUES FOR THE ETHIOPIAN AIRLINES VICTIMS IN AFRICA



CPM along with the Clifford Law Offices represents the families of 70 people who tragically perished in the terrifying crash of Ethiopian Airlines Flight 302 in March 2019. CPM is leading the fight for the more than 100 consolidated wrongful death cases against Boeing and its suppliers. Plaintiffs' claims focus on Boeing's systemic failures

i.e., managers ignored safety concerns, expedited certification and approval of the aircraft by regulatory agencies with minimal oversight, and misled the public about the airplane's dangers. Boeing admitted in a Deferred Prosecution Agreement with the Department of Justice that it conspired to defraud the United States when it materially withheld information from the FAA. The Plaintiffs' Executive Committee are conducting depositions of top senior Boeing managers. Attorneys **Frank Pitre, John Thyken** and **Nabilah Hossain** lead CPM's Boeing Team.

WILDFIRE VICTIMS IN NORTHERN CALIFORNIA AWARDED \$13.5 BILLION FROM PG&E



Frank Pitre, Duffy Magilligan, Julie Fieber and team at CPM

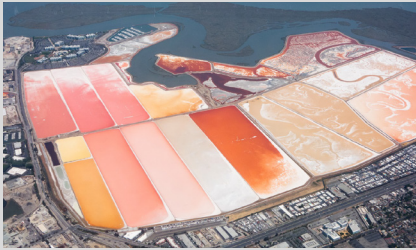
have worked with a core group of law firms to prosecute claims for damages for fire victims against PG&E arising out of twenty-two separate wildfires that ravaged

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.



RECENT MAJOR FILINGS & DECISIONS

Environmental Groups Protecting Local Salt Ponds Win Federal Case



A complete victory was won in a federal case to protect the historic Redwood City salt ponds brought by San Francisco Baykeeper, Save the Bay, Green Foothills, and Citizens Committee to Complete the Refuge. The U.S. Environmental Protection Agency and Redwood City Plant Site, LLC (an affiliate of Cargill, Inc.) have both dismissed the appeal, challenging a federal judge's ruling that the historic salt ponds in Redwood City, owned by the Cargill affiliate, are "waters of the United States," protected by the Clean Water Act. "After decades of denial, Cargill is finally acknowledging that these salt ponds are legally wetlands and waters of the United States," said David Lewis of Save The Bay. The case is being handled by **Joe Cotchett, Nazy Fahimi** and team along with Co-Counsel.



CPM Files Lawsuit on Behalf of Trustee of the PG&E Fire Victim Trust, Against Certain PG&E Officers and Directors

CPM has filed a lawsuit on behalf of Justice John Trotter (Ret.), Trustee of the PG&E Fire Victim Trust, against certain PG&E and Pacific Gas and Electric Company officers and directors. The lawsuit was filed in San Francisco County Superior Court and alleges that the North Bay Fires and Camp Fire were a direct result of the defendants' breach of their fiduciary duties. The case is being handled by **Frank Pitre, Mark Molumphy, Karin Swope, Nabilah Hossain, Tyson Redenbarger** and team. Any recovery from the case will go to the fire victims.

San Mateo County Harbor District Represented by CPM Wins Trial to Ensure Safety on Johnson Pier in Princeton Harbor



A long-running dispute among three commercial fisheries over the use of Johnson Pier at Pillar Point Harbor ended with a decision in favor of the San Mateo County Harbor District. After an eleven-day trial the judge ruled in favor of the District on all claims. Three fisheries squabbled for years over use of the Pier. The case and trial were handled by **Brian Danitz, Andrew Kirtley, Noor Rahman** and team from CPM.

Prime Healthcare and Doctor Pay \$37.5 Million to Settle Whistleblower Case Alleging Kickbacks and Fraud to a Single Physician



In what is believed to be the largest settlement of a case brought against a hospital over kickbacks allegedly paid to a single physician, Prime Healthcare, its founder and CEO, Dr. Prem Reddy, and a California cardiologist have agreed to pay a total of \$37.5 million to the federal government and the state of California to settle a whistleblower lawsuit that alleged the for-profit hospital chain paid kickbacks to the cardiologist, buying his practice and surgical center for far more than they were worth. **Justin Berger** and team handled the case along with Co-Counsel Phillips & Cohen.

Victory for Defrauded Clients in Real Estate Fraud



CPM partner **Niall McCarthy** won a \$9 million settlement for his clients the day before the arbitration was to begin in Sacramento. The plaintiffs alleged that they were defrauded into investing millions in a real estate development which stood dormant for years. The hotly disputed action centered on the duties of a real estate developer and case involved claims of violation of fiduciary duty. The clients graciously hosted McCarthy at a victory dinner in the East Bay after the case was resolved.

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 conferencing service Zoom, in the U.S. 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 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". "Zoombombing" is the intentional interruption of a video conference by an uninvited bad actor who infiltrates a Zoom call and display horrific images, often accompanied by hateful language. CPM represents two churches that were traumatized by Zoombombers who hijacked video conferences and played despicable videos during bible studies and Sunday services. The case is being handled by **Mark Molumphy, Tyson Redenbarger, Noor Rahman** and **Julia Peng**.

FALSE CLAIMS & CONSUMER FRAUD UPDATE

UNFAIR DEBT COLLECTION PRACTICES CLASS ACTION MOVES TOWARDS TRIAL



CPM and non-profit Housing and Economic Rights Advocates (HERA) have moved one step closer to trial against a Southern California company alleged to have engaged in unlawful debt collection tactics. CPM and HERA successfully added a law firm and its principals as defendants based on an “alter ego” theory of liability. The case is being handled by CPM partner **Justin Berger** and team.

COURT GRANTS FINAL APPROVAL OF SETTLEMENT IN APPLE IPHONE CONSUMER CLASS ACTION OF \$500 MILLION



Judge Edward J. Davila has granted 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 \$500 million maximum in cash compensation to settle the 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.

OROVILLE CONCLUDES FIRST TRIAL



CPM’s **Niall McCarthy** and **Bethany Hill** completed a seven week Zoom bench trial in June 2021 along with Co-Counsel Jim Nolan and David Janes. 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. The trial involved intensive expert testimony. The Oroville case is currently under submission and awaiting the next series of July trials.

False Claims Act Case Against Texas Physician Group Set for November Trial



CPM’s case on behalf of three whistleblower clients against a San Antonio-based physician group specializing in peripheral vascular disease is set for trial in federal court in November. 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 for the Western District of Texas ruled in CPM’s favor on summary judgment, determining that the defendant had knowingly used the wrong codes. CPM partners **Justin Berger, Nazy Fahimi** and team are handling the case.

Fake Surgical Screws Unknowingly Implanted in Patients - Trial Set -



CPM is preceding to trial after three years under a Stay Order while the Department of Justice has been pursuing criminal prosecutions of doctors and chiropractors for accepting illegal kickbacks from the former owner of Pacific Hospital of Long Beach, Michael Drobot. Judge Berle granted our Motion to Lift Stay Order and CPM is now in final discovery with plans to get the nine Bellwether cases to trial by early 2022. The CPM team, including **Joe Cotchett, Robert Hutchinson, Carlos Urzua, Kelly Weil** and **Theresa Vitale** have been working with Knox Rickson and Kabateck, LLP. Hutchinson of CPM’s Santa Monica office is lead for CPM and has served as liaison counsel for the hundreds of plaintiffs who allege they were implanted with counterfeit surgical hardware in lower back spinal fusion cases.

CPM Moves Hip and Knee Replacement Healthcare Case Towards Trial



CPM is prosecuting orthopedic surgeons around the country accused of taking bribes in exchange for using specific hardware in hip and knee replacement surgeries. CPM filed the case on behalf of two whistleblower in the

United States District Court for the Central District of California. Dating back to at least 2007, a distributor of surgical hip and knee devices created and entered into a lucrative kickback scheme with various orthopedic surgeons under the guise of bogus “Design & Development” or “Intellectual Property” agreements, which resulted in the submission of hundreds of false claims to Medicare, Medi-Cal, and private insurers. CPM continues its efforts to protect taxpayers by bringing claims to stop the systematic violation of the Federal and California False Claims Acts and California Insurance Fraud Protections Act, as well as the gross breach of trust that patients place in their doctors. The case is being handled by CPM attorneys **Justin Berger, Robert Hutchinson** and **Carlos Urzua**.

CONSUMER CASES UPDATE

CPM FIGHTS ANIMAL ABUSE ACROSS CALIFORNIA



CPM continues its war against animal abuse. CPM is litigating two separate animal abuse cases. The case of *Loy v. Kenney* targets online puppy traffickers who fraudulently sold sick puppies to unsuspecting families. The puppies were denied basic medical care and vaccination records were falsified. The puppies went home with their new families and were sick within days of purchase. Most have died. When families reached out to the sellers, phones had been disconnected. The victims are currently seeking a preliminary injunction against the online traffickers. The case is set for trial in April 2022. The case of *Margolis v. Healthy Spot* is a Class Action against a leading California pet store for abusive grooming practices that injure and kill helpless dogs. The abusive and inhumane grooming practices are uniform throughout Healthy Spot's many stores and have been captured on Healthy Spot's own video surveillance cameras. The lawsuit alleges that Healthy Spot's business model places profits above animal safety and seeks an injunction to stop the abuse. *Loy v. Kenney* is being handled by **Gary Praglin** and **Theresa Vitale** in Santa Monica. *Margolis v. Healthy Spot* is being handled by Praglin and Vitale in Santa Monica and **Bethany Hill** in Burlingame.

Southern California Porter Ranch Gas Blowout Litigation Preparing for Trials

- Hydrocarbons and Chemicals Spewed Into Communities -



From October 23, 2015 to February 18, 2016, a mixture of hydrocarbons and other harmful chemicals spewed uncontrolled from SoCalGas' Aliso Canyon storage facility into neighboring residential communities, sickening and forcing thousands of individuals

and families to relocate. It is the largest release of natural gas in world history. Litigation has been ongoing for five and a half years. Throughout 2020 and 2021, the litigation made swift progress as Plaintiffs took hundreds of remote depositions despite courtroom closures. Further, Plaintiffs have successfully overcome (i) Defendants' Motion for Summary Judgment requesting dismissal of Sempra Energy as a Defendant and (ii) Defendants' Motion for Summary Adjudication requesting dismissal of punitive damages. This means the case will proceed against both SoCalGas and Sempra Energy, and Plaintiffs will be permitted to put on evidence at trial of oppression, fraud, or malice, which could allow the jury to impose punitive damages. To date, Plaintiffs have obtained over \$5,000,000.00 (five million dollars) in sanctions from Defendants and their attorneys as a penalty for Defendants' improper withholding of evidence. CPM continues to prepare the case for trial, which has been set for January 11, 2022. These cases are being handled at CPM by **Frank Pitre, Gary Praglin, Kelly Weil** and a team of support staff, along with Co-Counsel.

CalFire Blames PG&E Equipment for 2019 Kincadee Fire



CPM's **Frank Pitre, Duffy Magilligan** and **Nabilah Hossain** represent vineyards, wineries, and families who were victims of the Kincadee Fire that tore through Sonoma County beginning on October 23, 2019. CalFire investigators determined that the Fire was caused by electrical transmission lines owned and operated by PG&E located north-east of Geyserville. The litigation has been coordinated in the Superior Court of San Francisco before the Honorable Andrew Y.S. Cheng.

Steve Wozniak and 17 Fraud Victims Fight YouTube and Google Over Cryptocurrency Scam



Steve Wozniak, the Co-Founder of Apple, joined by 17 fraud victims, continue to fight YouTube and Google in Santa Clara County Superior Court over a "Bitcoin Giveaway" scam. The ongoing scheme uses images and video of Wozniak and other tech celebrities to scam YouTube users out of their cryptocurrency. This has resulted in tens of millions of dollars in lost savings. YouTube and Google claim they are immune under Communications Decency Act Section 230(c), even if they knew about the scam, promoted the scam, and continue to sell targeted advertising to those most vulnerable to the scam. The case is being handled by CPM's **Joe Cotchett, Brian Danitz, Andrew Kirtley, Julia Peng** and team.

ANTITRUST & BUSINESS FRAUD UPDATE

CPM Appointed Lead Counsel in Class Action Protecting Healthcare Professionals in USDC Pennsylvania



A Middle District of Pennsylvania judge appointed **CPM** along with Berger Montague PC as Co-Lead Class Counsel in an action challenging an illegal agreement between two competitor hospitals, Geisinger and Evangelical, not to recruit or “poach” each other’s physicians, nurses, psychologists, therapists, and other healthcare workers. Geisinger is the largest health system in central Pennsylvania, and Evangelical is the largest independent community hospital. As alleged in CPM’s complaint, between at least May 2015 and August 5, 2020 the highest-level executives from each hospital entered into a secretive “no-poach agreement” to restrict the movement of class member healthcare workers, who are especially valuable employees given their specialized training, knowledge, and experience. The CPM attorneys leading the case are **Adam Zapala, Elizabeth Castillo, Tamarah Prevost, James Dallal, Alexander Barnett** and team.

CPM Files Antitrust Case Against Beef Processing and Packing Companies in 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. Motions to Dismiss have been briefed. This litigation is being handled by **Joe Cotchett, Adam Zapala, Elizabeth Tran Castillo, Alex Barnett, Reid Gaa** and team.

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 (“CIIPs”) 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. Class Certification has been filed. This case is being handled by **Joe Cotchett, Adam Zapala, Elizabeth Tran Castillo, Alexander Barnett, Tamarah Prevost, James Dallal** and team.

Appellate Court Sides with Plaintiffs’ and Rejects Appeal in Airline Price-Fixing D.C. Circuit Court



CPM, along with Co-Lead Counsel from the Hausfeld law firm, moved for final approval of settlements totaling \$60 million in this ongoing case against the largest domestic airlines in the United States. The District Court granted final approval of the settlements with Southwest and American Airlines, finding the settlements to be fair, reasonable, and adequate. The decision was appealed, and the D.C. Circuit Court ruled the District Court’s order was not an appealable final judgment or interlocutory order and dismissed the appeal for lack of jurisdiction. The case continues against United and Delta. The case is being handled by CPM’s **Adam Zapala, Elizabeth Castillo, Alexander Barnett** and team.

CPM Appointed to Steering Committee in Case Against Google for Monopolistic Practices USDC San Francisco

CPM filed one of the first antitrust class actions 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. CPM is actively participating in discovery. **Nanci Nishimura** was appointed to the steering committee, and will handle the case with **Adam Zapala, Elizabeth Tran Castillo, Karin Swope** and **Noor Rahman**.



SECURITIES AND STOCK FRAUD ACTIONS UPDATE



Court Grants Preliminary Approval of Shareholder Settlement in Sanovas, Inc.

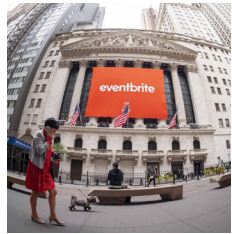
CPM represents shareholders in a derivative action in Marin County against the founder and former CEO of Sanovas, Inc. who was convicted of **embezzling more than \$3,000,000** and sentenced to 135 months in prison. Under the settlement, the former CEO will surrender the voting rights to his stock (~20% of the company) in favor of the minority shareholders and will be subject to a permanent injunction that protects the Company from five million dollars in payments that were due under the CEO's separation agreement. In a related case, CPM obtained sweeping corporate governance reforms, including requiring Sanovas to implement a majority independent Board and to hold annual elections. The case is being handled by **Brian Danitz, Tyson Redenbarger** and **Noor Rahman**.

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, Noor Rahman** and team.

EVENTBRITE IPO CASE MOVES FORWARD



The case centers around Eventbrite's IPO, and alleges that Eventbrite falsely portrayed the company as having achieved great success with its recent acquisitions of other ticketing companies. 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, Noor Rahman, Elle Lewis** and team.

Uber Initial Public Offering Case Moving Forward in Federal Court



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 now moving forward. The case is being handled by CPM attorneys **Mark Molumphy, Tyson Redenbarger, Noor Rahman, Elle Lewis** and team.

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, Noor Rahman, Julia Peng** and team.

Major Victory for Gilead Shareholders in Delaware, While CPM Seeks To Protect Shareholder Rights in California



CPM represents Gilead shareholders who sought to inspect Gilead's books and records pursuant to inspection statutes in California, where Gilead is based, and Delaware, where Gilead is incorporated. After a trial was held in Delaware Chancery Court, Vice Chancellor McCormick issued a scathing opinion ruling in favor of shareholders and ordering the production of books and records relating to Gilead's development, marketing, and sale of HIV drugs, as well as possible antitrust violations, infringement of government patents, and defrauding of government programs. In the meantime, in California, CPM presented oral argument to the California Court of Appeal seeking to protect the rights of shareholders who hold their stock through brokerage firms – as the overwhelming majority of shareholders do today – to pursue inspection rights in California. CPM expects this issue to ultimately be resolved by the California Supreme Court. Plaintiffs are represented by CPM's **Tyson Redenbarger** at trial and supervised by **Mark Molumphy** and team.

ENVIRONMENTAL & POLLUTION UPDATE

CPM INVESTIGATES LINK BETWEEN PARKINSON'S DISEASE AND PARAQUAT PESTICIDES IN CALIFORNIA



CPM is working with people who were exposed to the toxic pesticide paraquat, often while working in or near agriculture in California's Central Valley, and who subsequently have developed Parkinson's disease, to determine the linkage between that toxic exposure and their disease and to identify and bring suit against potentially culpable parties. Heralded as an agricultural breakthrough when introduced in the 1960s, hundreds of millions of pounds of paraquat have since been used in the U.S. In 2017 alone, more than 10 million pounds was sprayed on cotton, orchards, grapes, and other crops, and the use continues to rise. For decades, Paraquat manufacturers and distributors placed this deadly pesticide into the community without warning of the potential linkage to Parkinson's. Some estimate that exposure to paraquat is associated with a 2 to 3-fold increases the risk of Parkinson's disease over the general population. CPM attorneys **Joe Cotchett**, **Frank Pitre**, **Julie Fieber** and **Nabilah Hossain** are leading this effort to secure compensation for those injured by this pesticide.

CPM Defeats Challenges to Claims Against the City of Fresno for Water Contamination, Moves Forward to Class Certification Hearing



CPM is continuing to pursue its lawsuit over the City of Fresno's failure to operate its North East Surface Water Treatment Facility within established parameters, which has resulted in the corrosion and loss of protective layers inside residential plumbing in the Northeast Fresno area. Many affected residents

have experienced repeated and severe episodes of discolored water from their residential taps as a result. This past March, CPM defeated yet another round of challenges that the City brought against the residents' claims. A motion for class certification is now set for hearing in late July. The CPM team is lead by **Frank Pitre** and **Julie Fieber**, along with Co-Counsel.

Historic Chromium 6 Contamination at PG&E's Kettleman and Hinkley Stations

In the 1950s, 60s, 70s, and 80s, Pacific Gas & Electric used Chromium 6 compounds as an anti-corrosive in the cooling towers at its compressor stations in Kettleman (shown below) and Hinkley. Individuals who lived near, worked at, or trained at PG&E's Kettleman or Hinkley compressor stations were exposed to highly toxic and carcinogenic Chromium 6. CPM's environmental team continues to handle wrongful death actions on behalf of family members who have lost loved ones from historic exposure to PG&E's harmful chemicals. These cases are handled out of CPM's Santa Monica office by **Gary Praglin**, **Kelly Weil** and team.



CPM JOINS FORCES REPRESENTING SAN DIEGO AND ATASCADERO GROUNDWATER CASES - PFAS CONTAMINATION CASES IN WATER AROUND CALIFORNIA -



CPM recently joined with two other law firms, Casey Gerry and Grant & Eisenhofer, to represent the City of San Diego and Atascadero Mutual Water Company 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. PFAS substances are known as "forever chemicals" due to their persistence in water. 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. Water supply wells for the City of San Diego and Atascadero Mutual Water Company have been impacted by the contamination. Now, the problem is clean up. Recent EPA standards require water providers to clean up PFAS from the water. Cleanup technology is expensive. PFAS litigation is an emerging area across the country, and CPM groundwater attorneys will play a critical role. The case is being handled out of CPM's Burlingame office by **Niall McCarthy** and **Julie Fieber** and out of CPM's Santa Monica office by **Gary Praglin** and **Kelly Weil** and Co-Counsel from Grant & Eisenhofer and Casey Gerry.

COVID-19 LITIGATION

COVID-19 INSURANCE CASES ON APPEAL AND SETTLEMENTS



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. At issue is the effect of a virus exclusion and whether COVID-19 caused “direct physical loss” when restaurants were required to close under State and County stay-at-home orders. CPM is taking these questions to the California Court of Appeal seeking new precedents in favor of policy holders. 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.



SETTLED CASES ON CRUISE LINES



CPM has settled several cases against Carnival and Princess Cruises after they allowed the Grand Princess and Coral Princess to sail in February and March 2020, respectively. As the complaints alleged, Defendants knew cruise ships were incubators for the highly contagious Coronavirus, but chose profits over safety. Six Plaintiffs contracted COVID-19 and two died. The cases were hard fought by **Kelly Weil, Robert Hutchinson, Theresa Vitale** in Santa Monica, **Nanci Nishimura** and **James Dallal** in Burlingame and team, with Co-Counsel.

EMPLOYMENT LITIGATION

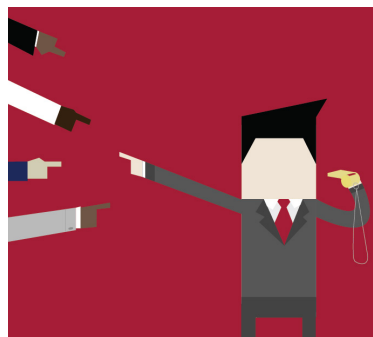
CPM Represents Whistleblower in San Jose State University Sex Assault Scandal



CPM represents whistleblower Stephen O'Brien in a suit alleging that top SJSU officials, including the athletic director and president, engaged in a pattern of covering up misconduct by staff and students and retaliating against those who reported it. O'Brien alleged he

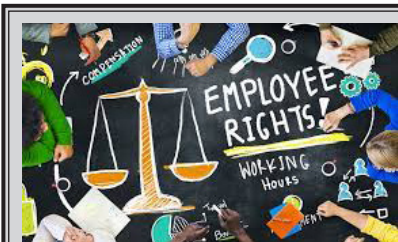
was fired for preserving the integrity of an investigation into the alleged sexual assault by Scott Shaw, SJSU's Director of Sports Medicine and Head Athletic Trainer. Over a decade ago, Shaw was accused of sexually fondling more than a dozen female athletes. In 2009 the University investigated and quietly cleared Shaw of all wrongdoing, but eight years later, these athletes and others reported to Sage Hopkins, SJSU's women's swimming and diving coach, that Shaw's abuse was ongoing and that the University's prior investigation was insufficient. O'Brien's lawsuit alleges that when he stood up for Coach Hopkins, he was terminated. The case is being handled by **Niall McCarthy, Tamarah Prevost, Bethany Hill** and team.

CPM Files Whistleblower Lawsuit Against Turlock Unified School District



CPM represents Michael Trainor, a former Assistant Superintendent of Business Services, who worked for the Turlock Unified School District and was forced out of his position in retaliation for engaging in a protected activity. Among other causes of action, CPM is pursuing a claim on Trainor's behalf

under the Reporting by School Employees of Improper Governmental Activities Act (Ca. Educ. Code § 44110, et seq.), which provides relief to school employees who disclose improper governmental activities. (Cal. Educ. Code § 44111.) Trainor revealed serious conflicts of interest in the school district, blew the whistle on his superiors' improper efforts to influence his political views, and opposed its inappropriate manipulation of bond funding, among other reports. As alleged, his employer forced him out of his position because of his whistleblowing and opposition to the school district's unlawful conduct. The case is being litigated in Stanislaus County Superior Court, led by **Tamarah Prevost, Kelsey Moe** and team.



CPM's employment team has secured major settlements on behalf of employees wrongfully terminated because of their race, gender, or other protected characteristic. The employment team is also currently investigating potential class action cases filed on behalf of employees who believe they are being paid unequally or unfairly on the basis of their gender or race. **If you or someone you know has information you would like to share that might be relevant to this investigation, please contact Tamarah Prevost (tprevost@cpmlegal.com) or Kevin Boutin (kboutin@cpmlegal.com).**

HONORS FOR CPM ATTORNEYS

17 CPM ATTORNEYS HONORED AS NORTHERN CALIFORNIA SUPER LAWYERS AND RISING STARS



CPM is pleased to announce that 17 of our attorneys have been selected to the 2021 Super Lawyers list – **Joe Cotchett** (Top 10), **Frank Pitre** (Top 10), **Niall McCarthy** (Top 100), **Mark Molumphy** (Top 100), **Nanci Nishimura**, **Justin Berger**, **Anne Marie Murphy** (Top 100, Top 50 Women) and **Adam Zapala**. Another nine of our attorneys have been selected as 2021 Rising Stars honorees – **Elizabeth Castillo**, **James Dallal**, **Bethany Hill**, **Julia Peng**, **Andrew Kirtley**, **Tamarah Prevost**, **Tyson Redenbarger**, **Noor Rahman** and **John Thyken**.



Pitre and McCarthy Receive the 2021 CLAY Award

The *Daily Journal* has selected CPM partners **Frank Pitre** and **Niall McCarthy** as 2021 “California Lawyer Attorneys of the Year” for their resolution on a major settlement for San Francisco’s **Millennium Tower** owners. The annual accolades, known as the CLAY Awards, recognizes California lawyers for legal achievements whose recent work has made a significant impact. Owners recovered significant sums.

Fieber Honored with the Wiley W. Manuel Certificate for Pro Bono Legal Services



CPM partner **Julie Fieber** honored with the Wiley W. Manuel Certificate for Pro Bono Legal Services, based on her efforts to secure redress for a class of mobile home tenants who had been subjected to unlawful rental terms. The Wiley W. Manuel Certificate for Pro Bono Legal Services was created in 1989 to recognize the contributions of lawyers on behalf of low-income clients.

Nishimura Named to Top 100 Women Lawyers of California for 2021



Nanci Nishimura has been named one of the “Top Women Lawyers for 2021” by the *Daily Journal*. The publication highlighted Nishimura’s pro bono work, pandemic related cases and her fight against anti-Asian hate. She continues to serve as the Governor’s appointee to the Uniform Law Commission.

Danitz Continues to Serve on JNE Commission Evaluating Potential Judges



CPM partner **Brian Danitz** continues to serve on the **Commission on Judicial Nominees Evaluation** (JNE) of the State Bar of California which assists the Governor in the judicial selection process, promoting a California judiciary of quality and integrity by providing independent, comprehensive, accurate and fair evaluations of candidates for judicial appointments by the Governor.

Three CPM Partners Among Daily Journal's "Top 40 Plaintiff Lawyers in California" for 2021



Joe Cotchett, **Frank Pitre** and **Niall McCarthy** have been named among the “2021 Top 40 Plaintiff Lawyers in California” by the *Daily Journal*. This prestigious list recognizes lawyers throughout California for their cutting-edge legal work. All three are repeat awardees.

MCCARTHY ELECTED 2022 PRESIDENT OF SAN FRANCISCO AMERICA BOARD OF TRIAL ADVOCATES



CPM partner **Niall McCarthy** has been elected President of the American Board of Trial Advocates (ABOTA) San Francisco Chapter for 2022. The ABOTA membership consists of more than 6,000 trial lawyers representing equally the plaintiff and defense bars, as well as judges, spread among 90 chapters in all 50 states, the District of Columbia and Puerto Rico. The San Francisco Chapter has over 300 members. Since its inception in 1958, ABOTA’s primary mission has been the preservation of the civil jury trial right guaranteed by the 7th Amendment to the U.S. Constitution.



San Mateo County History Makers Honors Joe Cotchett

The San Mateo County Historical Association is pleased to announce that nationally renowned attorney and state and local leader **Joe Cotchett** is its 2021 San Mateo County History Maker. Joe is being honored for his work as an advocate “for the underdog,” taking on the largest corporations and financial institutions in our country for over five decades. The event is set for September 10, 2021 at the Filoli Historic House & Garden in Woodside, CA.

Prevost Admitted to the American Association of Justice Leadership Academy



CPM partner **Tamarah Prevost** was recently admitted to the American Association for Justice (“AAJ”)’s Leadership Academy, which provides training for highly qualified and talented AAJ members to help make them more effective leaders in their law firms and communities, particularly to underrepresented populations.

THE PITRE BUILDING

CPM is proud to announce the dedication of our Burlingame Offices to the Pitre family. Frank Pitre is one of the Founding Partners of CPM and considered to be one of the outstanding trial lawyers in the State of California and nation. We are grateful for the values instilled in him by his parents Dolly and Sal - both from immigrant families - and for the passion he gives to the representation of those in need of help. He is a leader in the Bar having served as the President of the Consumer Attorneys of California and the President of the California Chapter of the American Board of Trial Advocates. He is a Fellow of the American College of Trial Lawyers, International Academy of Trial Lawyers and International Society of Barristers. The 840 Malcolm Road building is the San Francisco Airport Office Building but will be called "The Pitre Building" for short.



THE PITRE BUILDING

Rosario "Sal" Pitre came to America in 1953 at age 28 from his native Sicily. In 1954, he married Rosanna "Dolly" Pipia, the daughter of Sicilian immigrants, and together they pursued their American dream. Sal worked at the Old Produce Market in San Francisco and in 1962, Sal started his own produce delivery service at the Golden Gate Produce Terminal in South San Francisco. For the next thirty years, Sal labored to provide fresh produce to local stores and restaurants throughout San Francisco and San Mateo Counties. Sal and Dolly had two sons, Frank and Mark, and they provided them with opportunities to become a successful attorney and businessman with exceptional families. They taught them that a better life comes through hard work, dedication to family, and respect for others. This building is dedicated to that Pitre Family mandate; help others and show respect no matter their race, religion, gender, or social status.

"SEMPRE AVANTI" - Always Forward
-2021-

- NEW ATTORNEY -



KELSEY CAMPBELL raised on California's Central Coast, returned to California for law school after over a decade of federal service. Kelsey served in the Air Force for seven years, including a tour of duty in Iraq. After earning a Master's of International Affairs from **Columbia University**, Kelsey served as a foreign affairs advisor in the Pentagon for four years, including a tour at the U.S. Embassy in Islamabad, Pakistan. She earned her Juris Doctor from **University of California, Hastings College of the Law**, where she was a Tony Patiño Fellow and the Editor-in-Chief of Hastings Constitutional Law Quarterly. She is a distinguished graduate of the Defense Language Institute in Monterey where she studied Russian. She previously practiced law in San Francisco and recently moved to San Mateo. She is in the Burlingame office.

- SANTA MONICA OFFICE -



Back row: Rose Becker, Carlos Urzua, Harrison Holland-McCowan, Melissa Bressick, Mallory Soto, Sarita Govin-Gonzales, Theresa Vitale; Front row: Kelly Weil, Robert Hutchinson, Gary Praglin

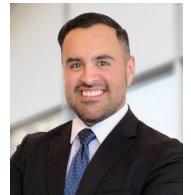
ROBERT HUTCHINSON, is the Managing Partner of the CPM Santa Monica office, now in its 35 year on the westside of Los Angeles. The Santa Monica office is involved in many of the major consumer, fire, securities and antitrust cases in Southern California. Along with Hutchinson, Senior Partner **Gary Praglin** and **Kelly Weil** have a great deal of litigating experience and lead teams of other lawyers on various cases. A great deal of Santa Monica work is in the environmental and mass torts area.

LOS ANGELES CENTER FOR LAW AND JUSTICE



KELLY WEIL

Since 2015, **Kelly Weil** and **Carlos Urzua** have been volunteer attorneys with the Los Angeles Center for Law and Justice (LACLJ) doing **pro bono legal work** on behalf of victims of domestic abuse (both physical and financial). Weil and Urzua have been successful in obtaining numerous Domestic Violence Restraining Orders on behalf of domestic abuse survivors and their children, as well as custody orders which help keep children safe. Confronting one’s abuser in the courtroom is a terrifying proposition for abuse victims, and Weil and Urzua are proud to be able to provide quality legal representation to those in need. Weil also sits on the Leadership Council and helps to raise money for LACLJ’s continued operations.



CARLOS URZUA

- SEATTLE OFFICE -



KARIN SWOPE
Managing Partner

KARIN SWOPE, a nationally recognized civil litigator is the Managing Partner of the CPM Seattle office. Swope is a graduate of **Amherst College** and **Columbia Law School**, and later served as a law clerk to the Honorable John C. Coughenour in the U.S. District Court for the Western District of Washington. Following that, she served as a clerk to the Honorable Robert E. Cowen of the Third Circuit Court of Appeals in Philadelphia. Swope is a leader in promoting women in the legal profession and repeatedly acknowledged as one of the leading women attorneys in the country. She is an Adjunct Professor at **Seattle University School of Law**, where she teaches the Intellectual Property Art Law Clinic.

Swope is currently serving as President of the Board of the Intellectual Property Section of the Washington State Bar Association and a member of the Western Washington Federal Bar Association Local Rules Committee. Swope’s complex litigation experience has further strengthened the firm’s representation of consumers and investors around the country. She works on various cutting-edge cases.

- NEW YORK -



ALEXANDER BARNETT
Managing Partner

ALEXANDER BARNETT is the Managing Partner of the CPM New York office. Barnett is an experienced securities, antitrust and business fraud litigator known around the country on major cases. He leads the east coast office for CPM and in his capacity serves on the various litigation teams of many major cases on behalf of CPM and our clients. He is a graduate of the **University of Pennsylvania** and **St. John’s Law School**. Alex is a member of numerous professional organizations.

COMMUNITY ACTIVITIES

CPM PROUDLY SUPPORTS CHILDREN AND ADULTS WITH DISABILITIES

CPM is a dedicated donor to the annual AbilityPath (Formerly Community Gatepath) Power of Possibilities! event. AbilityPath is a nonprofit organization which provides a lifespan of support services to individuals with special needs and developmental disabilities. In May, CPM, along with the other donors, organizations, and citizens were honored during the event held at the Filoli Historic House & Garden in Woodside, California.



Nishimura Attends Bi-Partisan Conference and Leaders Forum in Washington, DC



Nishimura and U.S. Senator Richard Blumenthal

Nanci Nishimura was in Washington, D.C. recently as a moderator for a Community United Against Anti-Asian Hate, organized by CT Attorney General William Tong and D.C. Attorney General Karl Racine for the Attorney General Alliance. Representatives from the White House and Congress, law enforcement, business, academia, and non-profits discussed the rise in racial violence and grass roots to national solutions.

Nishimura was again in Washington, D.C., as Co-Chair of the **Leaders Forum**, a bi-partisan coalition of leaders in government, business and philanthropy for discussions with members of the White House, Congress, business and media to formulate policies and action items to cultivate and promote diverse leadership in the highest levels of government, the judiciary, business, and philanthropy.

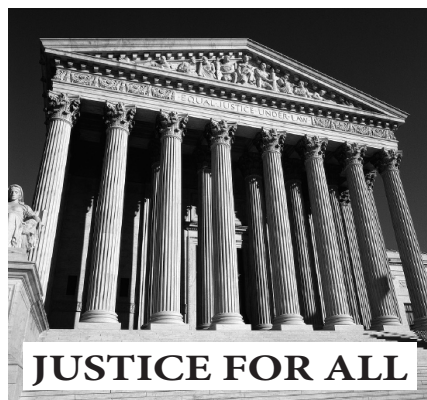
Attorney General of Connecticut visits CPM



In July, Attorney General of Connecticut **William Tong** visited CPM to discuss topics including joint civil litigation involving tech, drugs, energy, the increasing role of state Attorneys General, organizing the first national Attorneys General conference against anti-Asian hate with a panel moderated by **Nanci Nishimura**; and politics.



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“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)