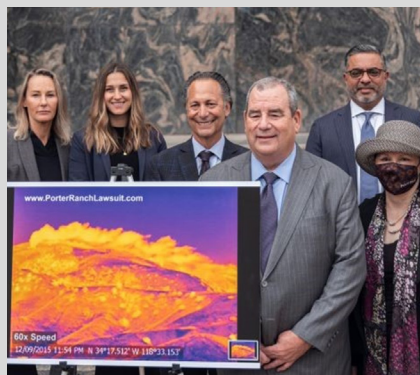


# ADVOCATES FOR JUSTICE

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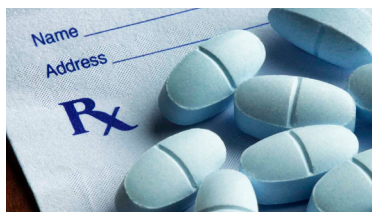
## SOCAL GAS WELL BLOWOUT LAWSUIT SETTLES FOR \$1.8 BILLION IN LOS ANGELES

After nearly six years of hard-fought litigation, SoCalGas and its parent company, Sempra Energy, settled the Porter Ranch gas blowout case for \$1.8 billion. This is one of the largest settlement amounts for a wrongful natural gas release.

The environmental disaster began on October 23, 2015 at SoCalGas' Aliso Canyon gas storage reservoir, home to 115 depleted oil wells in the San Fernando Valley in Los Angeles County. The gas spewed into local neighborhoods for 111 days. Many residents relocated from their homes. Tens of thousands of residents suffered illnesses including respiratory issues and serious medical conditions.

CPM played a prominent role, serving on the Plaintiffs Steering Committee and the Trial Team responsible for preparing the case for trial. Trial was to start in February 2022. The process of allocating awards to 35,000 Plaintiffs is ongoing and victims will hopefully receive compensation toward the end of 2022. **CPM's Frank Pitre, Gary Praglin, Kelly Weil and Robert Hutchinson** and team were involved in the case.

## San Mateo County Receives \$26 Million as Part of Historic Opioid Settlement Against the Nation's Largest Opioid Distributors



CPM represents the County of San Mateo in litigation against the companies responsible for the opioid crisis. The lawsuits aim to address the financial burden on the County from the opioid epidemic, and importantly, the high death rate attributable to opioid use. The suits allege

that the defendant opioid manufacturers and distributors created a public nuisance by selling billions of opioid pills that have flooded local communities, including San Mateo County. The San Mateo cases are part of a massive multi-district litigation being overseen by the Federal Courts. The \$26 billion settlement represents only a partial settlement of claims – claims against numerous other entities continue to wend their way through the courts. Notably, San Mateo was one of the first government entities to highlight the role of the Sackler Family in the opioid crisis – claims against the Sacklers continue and are not resolved by the settlement with the distributors and J&J. The attorneys handling the case are CPM's **Joe Cotchett, Anne Marie Murphy, Julia Peng, Veena Bhatia** and team.

## CPM Wins \$8.1 Million Dollar Medicare Fraud Victory From Texas Jury



A federal jury in San Antonio, Texas, found in favor of three whistleblowers represented by CPM, in a case brought under the False Claims Act. The jury entered a verdict that will result in a damages award of \$8.1 million after mandatory tripling. Additionally, the jury determined the defendant submitted over 7,000 false claims to the United States Medicare program. Those false claims will be subject to civil monetary penalties of over \$11,000 each. The defendant in the case is Peripheral Vascular Associates. CPM's lawsuit alleged that the group overcharged taxpayers when it routinely billed Medicare for ultrasound services. CPM partners **Justin Berger, Nazy Fahimi** and team handled the case.



## CPM in Major Case Against Google for Monopolistic Practices

The District Court appointed CPM to the Plaintiffs' Steering Committee on behalf of plaintiffs who purchased and paid Google for one or more apps through the Google Play Store. Consumers are alleged to have overpaid or otherwise suffered economic losses due to Google's monopolization of the market. CPM is actively participating in discovery. The parties will brief class certification shortly. **Nanci Nishimura** was appointed to the steering committee, and has been handling the case with **Joe Cotchett, Adam Zapala, Elizabeth Tran Castillo, Karin Swope, James Dallal** and team.



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(See page 9)



CPM AIR



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YEAR OF THE TIGER 2022

# MAJOR FILINGS, DECISIONS & UPDATES

## *San Jose State University Settles With Fired Whistleblower, After Alleging Cover-Ups and Retaliation Related to Sex Abuse Scandal*



The former second in command of the university's Athletics Department, resolved his civil lawsuit against San Jose State University ("SJSU"). Steve O'Brien alleged that top SJSU officials, including the athletic director and president, engaged in a pattern of covering up sexual misconduct and retaliating against those who reported it. The California State University will pay over \$500,000 on behalf of SJSU and former Athletic Director Marie Tuite to resolve O'Brien's claims.

Fired on March 3, 2020, O'Brien alleged his termination was in retaliation for preserving the integrity of an active investigation into alleged sexual assaults by Scott Shaw, SJSU's former Director of Sports Medicine and Head Athletic Trainer. Over a decade ago, Shaw was accused of sexually fondling more than a dozen female student-athletes. In 2009 the University investigated and quietly cleared Shaw of all wrongdoing. But approximately 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 was fired for taking the side of Hopkins and the victimized women. The case is being handled by **CPM's Tamarah Prevost, Bethany Hill** and team.

## **CPM'S MAJOR ROLE IN CALIFORNIA WILDFIRE CASES**



**CPM** plays a major role in all major fire cases in California. Wildfires caused by utility negligence continue to destroy the homes and livelihoods of thousands of Californians. The Dixie Fire burned nearly a million acres, destroyed over a thousand structures including the heart of historic Greenville, and caused the death of one firefighter. The likely cause of that fire is PG&E equipment. A

separate case against Southern California Edison, on behalf of people injured in the 2018 Thomas Fire.

CPM's wild fire team lead by **Frank Pitre** has been working to document personal and business losses, submit claims to the PG&E bankruptcy fire victim trust for the historic 2017, 2018 and 2019 fires, prepare mediation demands as part of the Thomas Fire dispute resolution, and gather materials to identify and document losses from the most recent fires, including Dixie. In the historic North Bay Fires and Camp Fire cases, payments continue to issue from the Fire Victim Trust as part of a previous settlement agreement of \$1.3 Billion whereby PG&E has previously admitted liability, and agreed to calculate and fund payments to those injured by its negligence. The CPM team works with its clients and the Trust to achieve fair compensation for these fire victims. The CPM team working on these claims includes **Frank Pitre, Duffy Magilligan, Julie Fieber, John Thyken, Nabilah Hossain** and team.

## **FIGHT AGAINST BOEING MOVES FORWARD - AFRICAN DISASTER -**



**CPM** and its Co-Counsel, the Clifford Law Offices in Chicago represent 70 families who lost loved ones in the terrifying crash of Ethiopian Airlines Flight 302 on March 10, 2019. CPM is on the Plaintiffs' Executive Committee, which successfully obtained an admission from Boeing that it is solely responsible for the Ethiopian Airlines crash. CPM is now leading the charge for the start of damages' trials.

### **CHALLENGE TO BOEING DEFERRED PROSECUTION**

In addition to the civil action against Boeing, CPM is assisting in a challenge to a criminal Deferred Prosecution Agreement entered into between Boeing and the Department of Justice. In January 2021, Boeing admitted to conspiring to defraud the United States when it materially withheld information from the FAA in order to minimize pilot training requirements. CPM and its Co-Counsel allege that the Department of Justice unlawfully agreed to the Deferred Prosecution Agreement without first conferring with victim's families, in violation of the federal Crime Victims' Rights Act, and that the Agreement amounted to a sweetheart deal between Boeing and the Department of Justice of the outgoing administration. CPM is seeking various remedies in the challenge, including a conference with federal prosecutors to share information and consider additional criminal charges against Boeing Executives. CPM attorneys **Frank Pitre, John Thyken** and **Nabilah Hossain** lead CPM's Boeing Team.

# FALSE CLAIMS & CONSUMER FRAUD UPDATE

## CPM Defeats Amazon's Consumer Class Action For Unfair or Deceptive Marketing of Batteries - SEATTLE OFFICE -

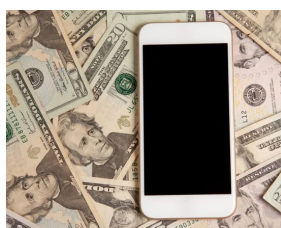


In December 2021, **CPM** defeated a motion to dismiss in a consumer class action case against Amazon.com. CPM represents plaintiffs bringing a putative class action on behalf of consumers who bought unfair and/or deceptively-marketed, dangerous or defective lithium-ion

18650 batteries from Amazon. Amazon has profited based on its deceptive and/or unfair practice of incorrectly leading the public to believe that the batteries had longer capacity or higher output than they did, and possessed safety features they did not. The Complaint alleges that Amazon's conduct constitutes a violation of the Washington Consumer Protection Act, and CPM intends to hold Amazon accountable. The case is being handled by **Niall McCarthy, Karin Swope, Bethany Hill** and team.

## FCA Case Against Nursing Home Chains Proceeds

In January, a federal judge rejected the majority of Defendants' arguments in a case brought by **CPM** against several large nursing home chains in California for allegedly defrauding Medi-Cal. The case, brought on behalf of an industry insider whistleblower, alleges that Defendants abused California's "Share of Cost" program, shifting tens of millions of dollars of costs from private corporations to the backs of taxpayers. CPM partners **Justin Berger** and **Nazy Fahimi** are handling the case.



## \$10.5 Million Settlement for Phone Carrier Overcharges

**CPM** represented the City of Los Angeles in cases against phone carriers for alleged overcharges. The cases settled for \$10.5 million. The hard-fought litigation lasted years and was in federal court in Sacramento. The cases were initially filed by the relator on behalf of the City of Los Angeles in the Los Angeles County Superior Court in 2013. The City of Los Angeles intervened in the matter in 2015. The cases focused on whether or not the City of Los Angeles was receiving optimization of their phone services. The case is being handled by **Niall McCarthy, Valerie Barretto** and team.

## Debt Collection Class Action Set for April Trial

**CPM** is Co-Lead Counsel for a class of California homeowners in a case against ALS Lien Services, a debt collection company. The case is set for trial starting April 8, 2022, in Contra Costa Superior Court. The case alleges that ALS collected illegal fees and costs from homeowners, and illegally threatened foreclosure when it had no such right. The case is being handled by CPM attorneys **Justin Berger** and **Melissa Montenegro**, along with Co-Counsel from Housing and Economic Rights Advocates.

## THE FIGHT FOR DAIRY FARMERS CONTINUES



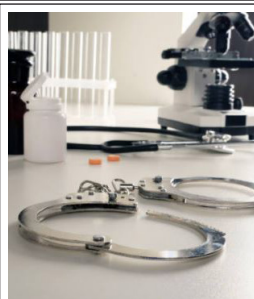
**CPM** continues to fight for dairy farmers against the termination of milk quota. The quota allows small dairy farms to stay in business by helping guarantee an income stream. CPM won two cases challenging the quota system in the trial court. In January 2022, the Court of Appeal for the 3rd District upheld one of those wins. The second appeal is proceeding. Separately, after being provided legal arguments by CPM, the California Department of Food and Agriculture denied two more petitions to challenge quota. The team is led by **Niall McCarthy, Nazy Fahimi** and **Andrew Kirtley**.

## Major Legal Battle with Beer Distributor Proceeds



**CPM** represents a former beverage distributor, DBI Beverage Inc., in several lawsuits against brewers alleging breach of distribution agreements with DBI in California territories. CPM successfully

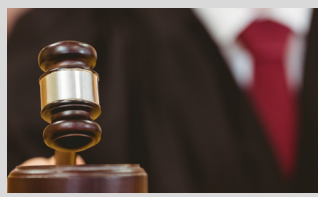
settled multiple lawsuits, but is continuing to pursue one lawsuit against Seismic Brewing Co., which DBI alleges breached its distribution contract and violated beer distribution laws when it unreasonably refused to assign its rights after DBI was acquired, and refused to pay DBI for those rights. Seismic Brewing Co. attempted to bring meritless antitrust cross-claims against DBI, however, the San Francisco County Superior Court, Complex Division, recently sided with DBI and dismissed those claims as a matter of law. The case is scheduled for trial in December 2022. The CPM team handling these cases includes **Niall McCarthy, Adam Zapala, Nazy Fahimi** and **Kevin Boutin**.



## Massive Medicare Fraud Case Unsealed Against Laboratory - USDC - Florida -

The Federal District Court for the Middle District of Florida has unsealed a False Claims Act lawsuit brought by **CPM** on behalf of a group of whistleblowers against OPKO Health, Inc., LLC, one of the largest medical laboratory companies in the country. The case, brought on behalf of the United States and several states, alleges that OPKO violated the federal Anti-Kickback Statute by providing free lab testing to doctors and routinely waiving patient co-pay and deductible obligations. This is the latest in a series of successful whistleblower cases brought by CPM seeking to put an end to fraud in the blood lab industry. The case is being handled by CPM attorneys **Justin Berger, Carlos Urzua** and **Bethany Hill**, along with Co-Counsel **Levin Papantonio**.

# CONSUMER CASES UPDATE



## FAKE SPINAL SCREW SURGERY READY FOR TRIAL IN LOS ANGELES

In December, the Court ordered the transfer of the Nine Bellwether cases to Riverside County for trial. The trials of these cases will take place in late Summer or early Fall of 2022. These cases have been under a Stay Order since March of 2019 due to the intervention of the United States Attorney for the Central District of California. The Government's intervention was necessitated because of ongoing criminal trials of several doctors and chiropractors who were involved in the massive, illegal kickback scheme engaged in by Michael D. Drobot and others associated with the now defunct Pacific Hospital of Long Beach. **Robert Hutchinson** has been liaison counsel for the individual Bellwether plaintiffs and is joined with **Gary Praglin**, **Carlos Urzua** and **Theresa Vitale** of the **CPM Santa Monica office** and **Joe Cotchett** and **Frank Pitre** from the Burlingame office. CPM has been working with the **Kabateck** firm in Los Angeles and **Knox Ricksen** of Walnut Creek. The firms represent over 140 individual plaintiffs who claim injuries due to the fraudulent scheme including, at other hospitals, the use of non-FDA cleared hardware in their spinal fusion surgeries without their informed consent.

## COURT GRANTS FINAL APPROVAL OF SETTLEMENT IN APPLE IPHONE CLASS ACTION



Judge Edward J. Davila granted final approval of a class action settlement covering almost 100 million U.S. consumers who used Apple's iPhones and downloaded software that allegedly "throttled" or restricted performance. Under the settlement, Apple will pay **\$310 million in cash**. 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.

## Pro Bono Victory for Tenants in Mobile Home Park



Working free with the Legal Aid Society of San Mateo County on behalf of a small but determined group of mobile home tenants, **CPM** obtained the park owners' agreement to renegotiate the terms of leases going forward, substantial rent reductions, and restitution for past charges of excessive rents. The claims concerned alleged violation of the local rent ordinance, based on the park owner's historic improper rent increases. **Frank Pitre** and **Julie Fieber** lead the CPM team.



## CPM REPRESENTS CITY OF SAN JOSE'S ORDINANCE FOR GUN SAFETY - FIRST IN NATION -

CPM represents the City of San Jose on a pro bono basis along with the City Attorney's Office headed by Nora Frimann to defend an Ordinance passed by the City which requires all gunowners within the City to obtain insurance covering unintentional harm arising from their guns, as well as pay \$25 to a non-profit organization to fund social issues caused by gun violence such as suicide prevention, domestic violence awareness, and the promotion of gun safety. Immediately after passage of the Ordinance, the National Association of Gun Rights and Mark Sikes sued the City to block enforcement of the Ordinance. CPM will be defending the City against this, and any other litigation, related to the Ordinance. As the first legislation of its kind in the country, this case is expected to be watched closely and attract nationwide attention. This case is being handled by **Joe Cotchett**, **Tamarah Prevost**, **Melissa Montenegro** and team.

## CPM REACHES HISTORIC SETTLEMENT IN ZOOM PRIVACY CLASS ACTION

CPM, which was appointed Co-Lead Counsel in a consolidated action against Zoom, recently reached a settlement that, if approved by the U.S. District Court, would provide \$85 million in cash relief and require reforms to Zoom's platform and privacy practices. The case involves claims that Zoom lacked proper security and failed to protect its users' privacy. The class also alleged that Zoom falsely promoted its video calling services as having "end-to-end encryption" when it did not, and permitted unauthorized users to "Zoombomb". CPM represents Zoom users, including a San Francisco church that was 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** and **Julia Peng**.



## CPM Sues Google From Selling Private Information Without Informed Consent



CPM was appointed to the Executive Committee along with five other firms in a Consolidated Class Action in the Northern District of California, seeking to hold Google accountable for a massive violation of privacy rights. 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. Instead, Google secretly tracks consumers across the Web and sells their personal information to buyers in real-time auctions for targeted ads. This vast storehouse of data includes information relating to the consumer's computer, cellphone, physical location and movements, web browsing history, interests, ethnicity, religion, health, and sexual orientation. **Nanci Nishimura** sits on the Executive Committee, assisted by **Joe Cotchett**, **Brian Danitz**, **Andrew Kirtley** and team.

# BUSINESS FRAUD & ANTITRUST UPDATE

## **CPM OBTAINS \$52.5 MILLION SETTLEMENT WITH JBS IN BEEF ANTITRUST CASE**

**- 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. Just recently, the Court preliminarily approved a \$52.5 million settlement with the JBS Defendants. Lead Counsel for the Direct Purchaser Plaintiffs, including CPM, are proud to have achieved this historical ice-breaker settlement, and believe it will stand the class in good stead for prosecuting the case against the remaining Defendants. This litigation is being handled by **Adam Zapala, Elizabeth Tran Castillo, Alex Barnett, James Dallal** and team.

## **CPM Nearing Final Approval of \$104 Million Settlement for Restaurants/ Commercial Food Preparers for Chicken Price-Fixing**

**- USDC - 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 the prices of broiler chickens by coordinating output and limiting production. Broilers constitute approximately 98% of all chicken meat sold in the U.S. Defendants

are the leading suppliers of Broilers in an industry with over \$30 billion in annual wholesale revenue. In April, CPM will present seven (7) settlements for final approval by the District Court worth approximately \$104 million and will consider CPM's motion for class certification against non-settling defendants. This case is handled by **Joe Cotchett, Adam Zapala, Alexander Barnett, James Dallal** and team.

## **CPM Beats Motion to Dismiss No Poaching Antitrust Case Protecting Healthcare Professionals**

**- USDC - Pennsylvania -**



After appointing **CPM** and Co-Counsel, Berger Montague 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 and other healthcare workers, the district court rejected the Defendants' motion to dismiss, finding that the litigation should proceed to discovery and class certification. CPM's complaint alleges that between May 2015 and August 5, 2020 the highest-level executives from each hospital entered a secretive "no-poach agreement" to restrict the movement of class member healthcare workers, who are valuable employees given their specialized training, knowledge, and experience. The CPM attorneys leading the case are **Adam Zapala, Elizabeth Tran Castillo, James Dallal, Alexander Barnett** and team.



## **CPM's Case on Behalf of Telescope Purchasers Proceeds**

**- USDC - N.D. California -**

**CPM** and Co-Counsel were appointed lead class counsel on behalf of indirect telescope purchasers, who allege that the two largest manufacturers of telescopes conspired to fix prices and allocate the market, including by utilizing their subsidiary distributors in the scheme. The district court rejected Defendants' arguments that the case should be dismissed, finding that CPM's case should move forward. The CPM attorneys leading the case are **Adam Zapala, Elizabeth Tran Castillo, James Dallal** and team.

## **LIBOR Multi-District Litigation Starting in New York Federal Court**



In December 2021, after pending on appeal since April 2019, the Second Circuit reinstated antitrust and other claims by plaintiffs who sued major banks for manipulating the London Interbank Offered Rate. **CPM** represents 13 CA public entities including The UC Regents, San Mateo County and the City of Houston, TX. LIBOR is led by **Nanci Nishimura, Alexander Barnett, Ian Atkinson-Young, William Costelli** and team.

## **CPM Continues to Lead Ground-Breaking Generic Drugs Litigation**

**- USDC - Philadelphia -**



**CPM** and Adam Zapala were appointed to the Plaintiffs' Steering Committee in a sprawling price-fixing case against the country's leading manufacturers of generic drugs. Also investigating Defendants' conduct are numerous State Attorney Generals and the Department of Justice. CPM continues to play an important role in the case, including in discovery and the upcoming bellwether trials. This litigation is being handled by **Adam Zapala** and team.

# STOCK FRAUD & SECURITIES ACTIONS UPDATE



## CPM PREPARES FOR TRIAL ON BEHALF OF TRUSTEE OF PG&E FIRE VICTIM TRUST, IN ACTION AGAINST FORMER PG&E OFFICERS AND DIRECTORS

CPM's 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, is now set for trial in June 2022. The lawsuit, pending in San Francisco County Superior Court, 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.

## CPM Challenges Social Media's "Immunity" Under Section 230 of the Communications Decency Act

CPM is challenging the broad application of Section 230 of the Communications Decency Act. CPM represents Apple Co-Founder **Steve Wozniak** and 17 victims of an ongoing "Bitcoin Giveaway" scam. Plaintiffs allege that YouTube knowingly promotes and profits from the scam which uses video of tech celebrities without their consent to scam YouTube users out of their cryptocurrency. A superior court judge dismissed the complaint, stating "the Court has sympathy for the victims of this cryptocurrency scam, including Mr. Wozniak . . . But as the Court understands the current state of the law, such relief against YouTube . . . is barred." CPM is appealing this ruling and joins the many legislators and jurists who believe that Section 230 is being applied too broadly, resulting in an improper blanket immunity for social media platforms. The case is being handled by CPM's **Joe Cotchett, Brian Danitz, Andrew Kirtley, Julia Peng** and team.



## SETTLEMENT REACHED IN EVENTBRITE IPO CASE

CPM serves as Co-Lead counsel for IPO investors in Eventbrite, and recently reached a settlement that would provide millions to investors. The action 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, and investors who purchased Eventbrite stock pursuant to the misleading IPO documents were harmed. The case is being handled by **Mark Molumphy, Tyson Redenbarger, Elle Lewis** and team.

## COURT CERTIFIES CLASS IN MICRO FOCUS SHAREHOLDERS LAWSUIT

CPM was recently appointed Co-Lead counsel on behalf of a certified class of investors in the merger between Micro Focus and a subsidiary of Hewlett Packard Enterprise. CPM alleges Micro Focus made false statements and failed to disclose material information about the merger, which resulted in market losses when the truth was discovered following the merger. The case is being handled by CPM attorneys **Mark Molumphy, Tyson Redenbarger, Julia Peng** and team.



## UBER INITIAL PUBLIC OFFERING CASE MOVES 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, Elle Lewis** and team.

## CPM APPOINTED TO LEADERSHIP TEAM PURSUING DERIVATIVE ACTION AGAINST FACEBOOK DIRECTORS - DELAWARE CHANCERY COURT -



CPM was recently appointed to the leadership team representing Facebook shareholders, including CalSTRS, in derivative litigation relating to Facebook's failure to protect the personal data of millions of its users in the Cambridge Analytica breach. The action follows Facebook's \$5 billion fine by the FTC, the largest penalty ever imposed for a violation of privacy rights. With the completion of the "books and records" action, and the filing of a comprehensive complaint, the case will proceed in Delaware. CPM attorneys handling the case are **Joe Cotchett, Mark Molumphy, Tyson Redenbarger, Julia Peng** and team.

# ENVIRONMENTAL & POLLUTION UPDATE

## **CPM Represents Victims of Dominguez Channel Contamination - LOS ANGELES -**



In Fall 2021, a foul stench descended upon the City of Carson, California. The smell was so bad that residents became sick with nausea, vomiting, headaches and respiratory issues. The smell, which was determined to be caused by toxic Hydrogen Sulfide, contaminated the 16-mile Dominguez Channel for weeks. Many families relocated from their homes due to the sickening smell. **CPM** currently represents approximately 1,600 affected residents and has filed suit in Los Angeles Superior Court. The case is being handled out of CPM's Santa Monica office by **Gary Praglin, Kelly Weil, Carlos Urzua, Theresa Vitale** and team.

## **MAJOR OIL SPILL HITS SOUTHERN CALIFORNIA COAST**



In October 2021, a crack in a 40-year-old oil pipeline caused tens of thousands of gallons of crude oil to spill into the ocean off the coast of Huntington Beach, California. The oil spill forced the closures of beaches and fisheries throughout Orange County, and cancellations of major events such as surf competitions and the Pacific Airshow. **CPM** represents business owners and commercial fishers harmed by the oil spill in a class action in front of Judge David O. Carter in the Central District of California. The case is being handled out of CPM's Santa Monica office by **Robert Hutchinson, Gary Praglin, Kelly Weil, Hannah Brown** and team.

## **Homeowners Against Tetra-Tech for 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. The class action for the homeowners, Pennington, is one of numerous lawsuits all arising from allegations that Navy-contractor Tetra Tech falsified the testing and remediation of the superfund site. The combined cases represent one of the most important environmental tort actions ever to reach the Courts. Two Tetra Tech employees have already served prison terms and numerous cases are pending in the District Court, including three whistleblower cases, litigation by police officers who were stationed at the site, and litigation by the surrounding community alleging environmental racism. CPM reached a \$6.3 million class action settlement with the homebuilder defendants in the Fall which is awaiting final approval by the District Court. The CPM team includes **Joe Cotchett, Anne Marie Murphy, Duffy Magilligan, Julie Fieber, Kevin Boutin, Julia Peng** and team.

## **CPM Protects The Rights Of Central Valley Farmers**



Working on behalf of the San Luis & Delta Mendota Water Authority, **CPM** continues to pursue litigation under the Clean Water Act to protect the rights of Central Valley farmers. For the last 40 years, Congress and the EPA have intentionally exempted water discharged as the result of return flows from irrigation from the NPDES permit process. A group of special interests, apparently unhappy with decades of regulatory and congressional decisions to allow farmers to irrigate farmland, have challenged that political decision by targeting operation of the Grasslands Bypass Project, alleging that it discharges naturally occurring selenium and other contaminants into the San Joaquin River. After resolution of an appeal to the Ninth Circuit, which resulted in favorable legal rulings for the Water Authority, CPM lawyers are now preparing to file dispositive briefing to resolve whether the Clean Water Act requires point source permits for common agriculture infrastructure such as agricultural canals, an issue that could impact farming across America. The CPM team working on these claims includes **Joe Cotchett, Julie Fieber** and **Andrew Kirtley**.



## **Huge Win Over Fresno's Fight For Clean Water**

**CPM** recently marked another win in its long-running battle with the City of Fresno over the City's negligent operation of a water treatment plant through failure to maintain water quality characteristics within an established range as the result of mixing ground water and surface water sources, which resulted in corrosion and damage to the galvanized pipes in well over a thousand residents' homes. This case was certified as a class action in July 2021. After the City recently refused to provide reports which it had submitted to the State reporting discolored water complaints from citizens, CPM obtained an order from the Court requiring production of those reports and imposing monetary sanctions upon the City for discovery misconduct. This case is set to go to trial in April 2023. **Frank Pitre** and **Julie Fieber** lead the CPM team.



## **CPM Holds Major Food and Beverage Companies Accountable for Plastic Pollution in Oceans**

**CPM** is acting on behalf of the **Earth Island Institute** and brought suit against the top 10 companies most responsible for plastic pollution in the environment, including Coca-Cola, Pepsi, and Nestle, over the misinformation they have spread about the recyclability of plastic and the environmental damage they have wrought. Rather than switch to more sustainable packaging and production practices, the suit alleges that the Defendants continue to spread misinformation about the true causes and solutions to plastic pollution. The case is being handled by **Mark Molumphy, Tyson Redenbarger** and CPM team.

# COVID-19 PANDEMIC LITIGATION

## *CPM Represents Fraud Victims in Suit Against Bank of America*



CPM is Co-Lead Counsel in a multi-district class action in San Diego brought against BofA which holds an exclusive contract to distribute California unemployment insurance by debit card. During the pandemic, BofA summarily closed claims of unauthorized transactions without investigation and froze cardholder accounts. The Bank then failed to handle customer calls, leaving many without access to their benefits for months on end. In June, the court granted a Preliminary Injunction against the Bank, finding: "The harm being suffered by the class members is irreparable" and "continual denial of these benefits will seriously hinder the ability of many class members to feed their families and keep a roof over their heads." Plaintiffs further allege that BofA failed to provide industry-standard security chips to protect unemployment recipients from fraud. American Banker recently reported that federal regulators (OCC and CFPB) are investigating the Bank "for potential shortcomings in its fraud protection practices related to California's unemployment benefit program." The case is being handled by Co-Chair **Brian Danitz**, and assisted by **Karin Swope**, **Andrew Kirtley** and team.

## *Appellate Victory in the Ninth Circuit for Victims of Elder Abuse in Nursing Homes During the Pandemic*



CPM's landmark case against Hollywood Premier Healthcare Center, Serrano Post Acute, continues after a major victory before the 9th Circuit. CPM represents the family of a retired veteran who died after contracting COVID-19 at the facility. As alleged, HPHC had one of the State's worst out-breaks of COVID— facility understaffing was so bad that the California National Guard had to be called in weeks after Martin's death. As in hundreds of cases across the country, the nursing home defendants attempted to move the case to Federal Court and claim that it is immune from suit – the three-judge panel hearing the case unanimously rejected all defense arguments. The case was heard by the 9th Circuit along with Saldana (a case handled by Public Citizen) on October 21, 2022 – the two cases were the first to be heard by the 9th Circuit and are being followed by elder abuse advocates across the United States. CPM team is led by **Anne Marie Murphy** with **Gary Praglin**, **Carlos Urzua**, **Hannah Brown**, **Veena Bhatia**, **William Costelli** and **Mallory Soto**. CPM is handling several similar cases.

## *CPM Represents California Insurance Policyholders On Multiple Fronts*



CPM is suing State Farm for failing to pay the claims of wildfire victims who returned home to find their refrigerators ruined by extended power outages. CPM also represents businesses, including 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. CPM attorneys handling these cases are **Nanci Nishimura**, **Brian Danitz**, **Andrew Kirtley** and team.

# EMPLOYMENT LITIGATION



## *Former Tesla Employee Sues Tesla, Alleging Retaliation for Reporting Dangerous Safety Violations and Racial Discrimination*

CPM represents Marc Cage, a former Construction Project Manager with Tesla in a civil lawsuit alleging that he was fired for reporting widespread construction violations in Tesla's factories and race discrimination. Cage, who is African American, alleges that Tesla's facilities were filled with racist graffiti and that he faced repeated bigoted insults on the job. CPM Partner Tamarah Prevost stated, "Tesla was motivated by retaliation when it terminated Mr. Cage – as a Certified Special Inspector, he was trained to uphold the highest level of construction compliance and repeatedly reported dangerous, hazardous, and life-threatening violations. Tesla ignored his reports, then fired him. Terminating Mr. Cage also perpetuates the company's troubling pattern of prioritizing speed of production over employee safety." This case is being handled by **Justin Berger**, **Tamarah Prevost**, **Melissa Montenegro**, **Kevin Boutin** 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

## JOE COTCHETT HONORED AS THE 2021 SAN MATEO COUNTY HISTORY MAKER



Our partner **Joe Cotchett** received the 2021 San Mateo County History Maker award from the San Mateo County Historical Association. The award recognizes an individual or family who has made a significant historical impact on San Mateo County and whose actions have also significantly affected developments in the County. In attendance were Hon. Congresswoman Jackie Speier, Lt. Governor Eleni Kounalakis along with many other city officials at Filoli Historic House in Woodside. Governor Newsom sent a special message to the dinner while over 600 guests attended this annual event. It is one of the top awards in the Bay Area - *See attached.*



## NIALL MCCARTHY SWORN-IN AS 2022 PRESIDENT OF SF CHAPTER - ABOTA

In December, partner **Niall McCarthy** was sworn in as the 2022 President of the American Board of Trial Advocates (ABOTA) for the San Francisco Chapter, along with Amee Mikacich (Vice President), Kevin Morrison (Treasurer) and Dale Allen, Jr. (Secretary). Admission to ABOTA is by nomination and election, based on demonstrated jury trial experience, skilled advocacy, integrity and professionalism. Admission is very selective.



## Adam Zapala Named One of 'Top Antitrust Attorneys' in California for 2021

Partner **Adam Zapala** has been selected to the *Daily Journal's* list of Top Antitrust Lawyers in California for 2021. He is currently working on the most important antitrust cases pending in the country involving the beef and poultry industry. Zapala has served as lead counsel, or in other court-appointed leadership positions, in some of the largest and most complex antitrust matters in the United States. He leads a team of several lawyers at CPM.



## Anne Marie Murphy Elected as Financial Secretary of Consumer Attorneys of California

Partner **Anne Marie Murphy** has been elected as Financial Secretary of Consumer Attorneys of California (CAOC), a position on CAOC's Executive Committee. CAOC is a professional organization that represents the interests of Californians and works to ensure that consumers have access to the Courts and works to support pro-consumer policies and legislation. Murphy has served on CAOC's board for over a decade and is past-Chair of CAOC's Women's Caucus.

## Tamarah Prevost Appointed to Multiple Lawyer Boards



**Tamarah Prevost** was appointed to the **American Association for Justice**

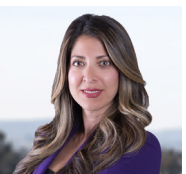
**(AAJ) Board of Governors.** AAJ is a national plaintiffs' trial lawyers association. She was also appointed as the Revitalization Board Member for California and the newest member of the San Mateo County Trial Lawyers Association Board of Directors, a chapter of the Consumer Attorneys of California.

## Nanci Nishimura Appointed to Antitrust Study Committee for Uniform Law Commission



Partner **Nanci Nishimura** has been appointed by the CA Uniform Law Commission (ULC) to serve on the Antitrust Study Committee on updating state antitrust laws to uniformly address monopolization to curb practices of powerful tech companies that control dominant platforms. She was appointed to the ULC by **Gov. Gavin Newsom**.

## Sarvenaz Fahimi Named to Green Foothills Board



Green Foothills named partner **Nazy Fahimi** a Board Member. Green Foothills is an organization that protects the open spaces, farmlands, and natural resources of San Mateo and Santa Clara Counties for the benefit of all through advocacy, education, and grassroots action. Nazy is active in major environmental litigation.

# - ANNOUNCING NEW PARTNERS -



HOSSAIN



REDENBARGER

CPM is pleased to announce the promotion of **Nabilah Hossain** and **Tyson Redenbarger** to partnership. "Through their hard work and dedication to CPM, these two attorneys have proved that they earned well-deserved promotions," said partner **Joe Cotchett**.

**Hossain** practices in wrongful death, mass torts, and other complex litigation. She 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.

**Redenbarger** practices in a wide range of civil litigation areas including class actions and complex civil litigation. He has served as plaintiffs' counsel in numerous consumer and securities class actions in both state and federal courts.

# COTCHETT PITRE & McCARTHY LLP

## NEW ATTORNEYS

### - BURLINGAME OFFICE -



#### VEENA BHATIA

Received her B.A. with honors from the U.C. Berkeley and J.D. from the **U.C., Hastings College of the Law**. Veena focuses on environmental torts, product liability, mass torts, wrongful death and elder abuse.



#### MELISSA MONTENEGRO

Received her B.A. from San Jose State University and J.D. from the **U.C., Berkeley, School of Law**. Melissa focuses on elder abuse, false claims/whistleblower law and retaliation/whistleblower protection.



#### ANDREW W. BRITTON

Received his B.S. from Fordham University and J.D. from the **U.C., Hastings College of the Law**. Andrew focuses on personal injury, wrongful death, products liability and mass torts.



#### SEBASTIEN B. NGUYEN

Received his B.A. from University of Washington and J.D. from **University of San Francisco School of Law**. Sebastien focuses on securities, financial fraud, shareholder litigation and nationwide class actions.



#### TAYLOR L. TANG

Received her B.A. from San Francisco State University and J.D. from **Golden Gate University, School of Law**. Taylor focuses on privacy rights.

### - SANTA MONICA OFFICE -



#### HANNAH K. BROWN

Received her B.A. from University of California, Santa Barbara and J.D. from **Loyola Law School**. Hannah focuses on environmental law, employment law, false claims and whistleblower law, elder abuse, personal injury and wrongful death.



#### JEFFREY G. MUDD

Received his B.A. from U.C., Los Angeles and J.D. from **New York University School of Law**. Jeffrey focuses on civil litigation, including consumer protection, antitrust, securities and business fraud, and qui tam false claims actions.



# HISTORY MAKERS AWARD FOR 2021 - JOSEPH W. COTCHETT

*"This annual History Maker Event is great because it helps us understand our past and prepare for our future, plus it's always a lot of fun!"*

*- David Canepa, President, San Mateo County Board of Supervisors*



2021 Honoree Joe Cotchett and  
Honorable Congresswoman  
Jackie Speier

The San Mateo County Historical Association History Makers Award for 2021 was hosted by the Honorable Congresswoman Jackie Speier. In attendance were Lieutenant Governor Eleni Kounalakis along with many other Mayors, City Council Members and County Board of Supervisors at Filoli Historic House in Woodside. Governor Newsom sent a special message to the dinner while over 600 guests attended this annual event. The mission of the Historical Association is to inspire wonder and discovery through education about the cultural and natural history of the San Mateo Peninsula. A film was done on the career of Joe on his military service to his country, his service to state commissions, his nationwide honors as one of the top attorneys and his outstanding service to the San Mateo County Peninsula, local organizations and groups. The Association has honored several local people and families for their contributions to the Peninsula. It is one of the top awards in the Bay Area. To become a member and support San Mateo County's history, please go to:

[www.historysmc.org/history-makers](http://www.historysmc.org/history-makers)

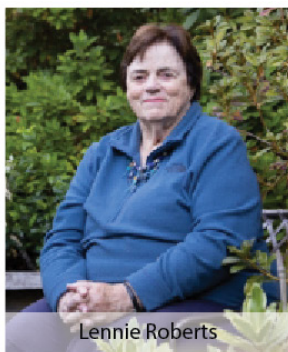


Lieutenant Governor Eleni,  
Dr. Markos Kounalakis with  
2021 Honoree Joe Cotchett

## - A FEW FORMER HISTORY MAKER AWARD RECIPIENTS -



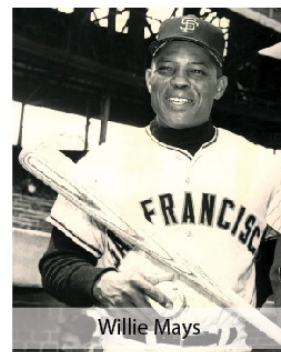
Martin Yan



Lennie Roberts



Pete and Paula Uccelli



Willie Mays



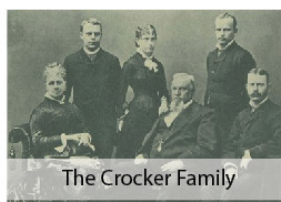
The Borel Family



The Roth Family



The Foster Family



The Crocker Family

# COMMUNITY ACTIVITIES



## CPM PARALEGALS AID REFUGEES FROM AFGHANISTAN CPM - BURLINGAME OFFICE

In late 2021, thousands of refugees from Afghanistan began seeking asylum in the United States after the recent U.S. military withdrawal. CPM's paralegals have been working with Pangea Legal Services and Project ANAR (Afghan Network for Advocacy & Resources) to aid the Humanitarian Parole Application process for many of these American allies seeking refuge. In recent months, CPM paralegals **William Costelli**, **Brooke Norton** and **Louis Pagot** have assisted Project ANAR with Humanitarian Parole applications to Pangea Legal Services for final submission to the United States Citizenship and Immigration Services.



## KARIN SWOPE ORGANIZES VOLUNTEERS FOR LOCAL ORGANIZATIONS CPM - SEATTLE OFFICE

CPM's partner **Karin Swope** volunteers time working in an arts law clinic, through the non-profit Washington Lawyers for the Arts, and has provided pro-bono legal advice to artists who are in need of intellectual property advice. Additionally, Swope has volunteered at Treehouse, a nonprofit which supports youth in foster care by providing clothing, books and other essentials and by funding school fees, extracurricular activities and summer camps in order to support high risk youth with the goal of helping them graduate from high school.



## Anti-Asian hate Whistle Project and Film

As Co-Chair of the **Leaders Forum**, partner **Nanci Nishimura** served on the SF Symphony Lunar New Year committee to arrange the donation of 1,000 whistles dispensed to the community. **Leaders Forum** is a bi-partisan national coalition based on the White House Initiative on Asian American, Native Hawaiian and Pacific Islanders. Nishimura is working on several anti-Asian hate initiatives and co-produced a segment on survivors of the WWII Japanese Internment Camp for a documentary *Asian American Experience in America* due this Spring by the Pew Research Center in Washington, D.C.



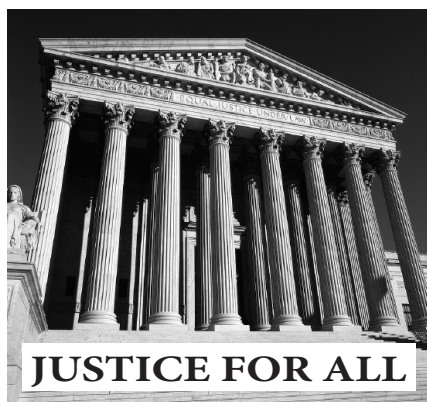
## PUBLIC JUSTICE FOOD PROJECT CPM - NEW YORK OFFICE

**Alex Barnett** serves as Vice-Chair of Public Justice's Food Project. Public Justice is a non-profit legal advocacy organization that pursues high impact lawsuits to combat social and economic injustice. The Public Justice Food Project uses strategically targeted litigation, among other tools, to address structural and institutional inequities in the food system and to work toward a food system free from exploitation.

## COTCHETT PITRE & MCCARTHY LLP

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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)