

ADVOCATES FOR JUSTICE

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



CPM FILES LAWSUIT AGAINST VARIOUS AUTOMOBILE MANUFACTURERS FOR DEFECTIVE AIRBAG INFLATORS USING AMMONIUM NITRATE

CPM and its co-counsel filed a class action in the Northern District of California against various defendants for fraudulently concealing defective airbag inflators installed in approximately 50 million vehicles in the United States. The defective inflators use ammonium nitrate in its propellants and the nitrate, commonly used as a fertilizer, is well-known for its use in making cheap explosives. Ammonium nitrate is also well-known in the airbag industry as a dangerous propellant chemical that can over pressurize during airbag deployment, sometimes resulting in violent explosions of the metal inflator canister. The defendants are airbag inflator manufacturer; automobile manufacturers, Audi, Ford, GM, and Volkswagen. Plaintiffs are seeking economic losses for their vehicles containing defective airbag inflators, among other relief. The case is being lead by **Niall McCarthy, Elizabeth Castillo** and team.



HISTORIC PRIVACY SETTLEMENT FOR ZOOM APP USERS NATIONWIDE

The District Court for the Northern District of California granted final approval of a ground-breaking settlement on behalf of a nationwide class action of Zoom users and subscribers. Zoom will pay \$85 million in cash compensation and agreed to implement comprehensive reforms to its business practices. The class action alleged that Zoom failed to provide end-to-end encryption of Zoom meetings, improperly shared user information, and left many exposed to "Zoombombing" by unauthorized third parties. The case included application of Section 230 of the Communication Decency Act and alleged violation of privacy and unfair competition laws in California, where Zoom is based. The case is handled by **Mark Molumphy, Joe Cotchett, Tyson Redenbarger** and team.



TRIAL AGAINST BOEING TO BEGIN MARCH 2023 - AFRICA CRASH OF 2019 -

The first of the trials against Boeing will begin in March 2023 to determine the amount of compensation owed to families of victims of the crash of Ethiopian Airlines Flight 302 on March 10, 2019. Boeing has admitted that its unsafe airplane, with its defective MCAS flight controls system, is solely responsible for the crash which took the lives of 157 people. CPM and its co-counsel at the Clifford Law Office in Chicago represent the families of 69 victims, from dozens of countries, and are working with a team of experts to develop the presentation of damages for the upcoming trial. CPM attorneys **Frank Pitre, John Thyken and Nabilah Hossain** lead CPM's Boeing Team.

LAWSUIT FILED AGAINST TESLA FOR MISLEADING THE PUBLIC ABOUT TESLA'S AUTOPILOT/FULL SELF-DRIVING TECHNOLOGY



CPM filed a class action lawsuit against Tesla, Inc. for allegedly misleading the public regarding its **Autopilot, Enhanced Autopilot, and Full Self-Driving Capability ("FSD")** technology, for which many consumers pay additional thousands of dollars. The lawsuit seeks to represent a class of all those who purchased a Tesla automobile with this technology. The complaint alleges that since at least 2016, Tesla has misleadingly and deceptively marketed its supposed autopilot and full self-driving technology as either already fully functional or just around the corner. The case is being handled by **Joe Cotchett, Frank Pitre, Nabilah Hossain, Andrew Kirtley** and team.

MCCARTHY TO RECEIVE PRESTIGIOUS CAOC AWARD



Niall McCarthy will receive the Edward I. Pollock Award at the CAOC 2022 Annual Convention.

The award is given in recognition of many years of dedication, outstanding efforts and effectiveness on behalf of the causes and ideals of the Plaintiffs' bar. Congratulations to Niall for this remarkable accomplishment!

CPM PREPARES FOR TRIAL IN KINCADE FIRE AGAINST PG&E - SONOMA COUNTY -

COMPLETE CALIFORNIA WILDFIRE CASE UPDATES (SEE PAGE 9)



農曆新年快樂

YEAR OF THE TIGER 2022

MAJOR FILINGS & DECISIONS



SHIPYARD HOMEOWNERS WIN COURT APPROVAL OF \$6.3M SETTLEMENT WITH LENNAR AND FIVEPOINT - FIRST SETTLEMENT FOR HOMEOWNERS

The District Court granted approval of a \$6.3M settlement with Lennar and FivePoint on behalf of current and former homeowners in the San Francisco Shipyard. The suit brought by **CPM** and co-counsel alleged that the development of the Hunters Point Naval Shipyard (HPNS) has been plagued by scandal due to the alleged fraudulent cleanup of toxins, including radioactive material by Tetra Tech. The settlement is with Lennar and FivePoint, as the developers of the community—and is the first step in helping residents of the community. It is the first settlement and the litigation will continue against the main defendant Tetra Tech.

In an order dated March 28, 2022, the Court stated: “The proposed allocation is fair and reasonable, and treats class members equitably relative to each other.” The payouts will be substantial, ranging from hundreds of dollars, to tens of thousands. The case is being handled by **Joe Cotchett, Anne Marie Murphy, Duffy Magilligan** and team.

WRONGFUL DEATH SETTLED - HILLSBOROUGH MURDER CASE -



In 2022, **CPM's Duffy Magilligan** and **Nabilah Hossain** settled a wrongful death case brought by the minor heirs of Keith Green, a San Mateo County native. At 26 years old, Keith Green was murdered after meeting his ex-girlfriend Tiffany Li in the parking lot of the Millbrae Pancake House. Li was the last person to see Green alive prior to his decomposed body being found near Highway 101 in Healdsburg several days after he was reported missing. CPM represented the minor children, through a court appointed Guardian Ad-Litem, in a wrongful death suit against their mother Li, Kaveh Bayat, and their personal trainer Olivier Adella. The settlement amount is confidential to protect Green's minor children. The children are with their mother.



VICTORY FOR SENIOR CITIZEN IN REAL ESTATE MATTER

On the eve of trial, **CPM's Niall McCarthy, Tamarah Prevost, and Melissa Montenegro** won a major victory in settlement for Plaintiff Valerie Previte. Previte's husband Jack served as a property manager for a real estate development in San Jose. After Jack's death, the development sold for \$187 million but defendants refused to pay Valerie the asset management commission Jack earned. After several years of litigation and dozens of depositions, defendants paid Valerie.

COURT APPROVES CPM'S \$52.5 MILLION SETTLEMENT WITH JBS IN BEEF ANTITRUST CASE



The District Court for the District of Minnesota approved **CPM's** \$52.5 million settlement with JBS - one of the defendants - in the beef antitrust litigation. CPM, along with Co-Counsel, were appointed by the District Court to represent a class of direct purchaser plaintiffs that bought beef at artificially inflated prices due to defendants' alleged conspiracy. 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. CPM will distribute this money in the near future to the class of direct purchasers. This litigation is being handled by **Adam Zapala, Elizabeth Castillo, Alexander Barnett, James Dallal, Gayatri Raghunandan** and team.



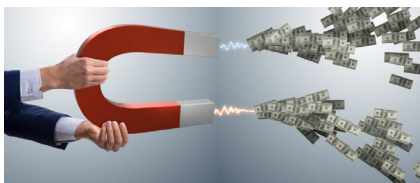
LAWSUIT FILED AGAINST CHRYSLER FOR DEFECT CAUSING UNEXPLAINED EXPLOSION AND FIRE IN PACIFICA HYBRIDS

CPM has filed a class-action lawsuit on behalf of Plaintiff Scott Olsen and other owners of 2017 to 2018 Chrysler Pacifica Plug-in Hybrid Electric Vehicles (“PHEVs”) now assigned to the District Court in the Eastern District of Michigan. The lawsuit alleges that Fiat Chrysler Automobiles (“Chrysler”) sold defective minivans at risk of exploding or catching fire, resulting in immediate danger to vehicle occupants and property surrounding the vehicles.

As alleged in the complaint, Chrysler issued a “safety recall report” on February 11, 2022, for 16,741 PHEV minivans it manufactured between August 12, 2016 (when production started) and August 7, 2018, that were sold in the United States; the “safety recall report” did not physically recall the vehicles. Instead, it stated that “the Company is advising owners of these hybrid vehicles to refrain from recharging them, and to park them away from structures and other vehicles.” The case is being handled by **Niall McCarthy, Anne Marie Murphy, Jeffrey Mudd** and team.

FALSE CLAIMS & CONSUMER FRAUD UPDATE

VICTORY FOR CONSUMERS IN DEBT COLLECTION CLASS ACTION TRIAL



CPM and its co-counsel secured a sweeping victory for California homeowners after a two-week trial in Contra Costa County Superior Court. The trial court ruled that ALS Lien Services, a debt collection company, violated California law by forcing consumers into illegal payment plans that essentially trapped homeowners in endless cycles of debt. The trial court ordered ALS to change its business practices, and reallocate millions of dollars in consumer payments that had been improperly accounted for. The ruling will benefit thousands of California homeowners who have fallen behind on their homeowner association (HOA) fees. The case was handled by CPM attorneys **Justin Berger** and **Melissa Montenegro**, along with co-counsel from Housing and Economic Rights Advocates, and the Law Office of Arthur D. Levy.

ANOTHER TAKEDOWN OF TESLA OVER FAULTY SOLAR ROOF INSTALLATION



A neutral arbitrator has awarded **CPM's** clients over \$2.7M for damages caused to their Bay Area homes by faulty installations of a **Tesla Solar Roofs**. The arbitrator

found that Tesla and its subcontractors failed to properly cover the roof in advance of a rainstorm during installation, causing massive mold infestation. The roof was also installed without proper ventilation as required by code. The arbitrator's award includes costs of reconstruction, damages for loss of use of the property, and other consequential damages. CPM partner **Justin Berger** and team handled the arbitration.

DEPARTMENT OF JUSTICE JOINS CPM IN MEDICAL LAB WHISTLEBLOWER CASE



The United States Department of Justice announced that it would be joining a whistleblower case brought by **CPM** on behalf of two healthcare industry insiders. The case alleges that a complex network of physicians, hospitals, and medical laboratories conspired to pay kickbacks to increase the ordering of blood tests, in violation of the False Claims Act. The Department of Justice has also announced criminal charges against several of the defendants. According to U.S. Attorney Brit Featherston for the Eastern District of Texas, "Paying kickbacks to physicians distorts the medical decision-making process, corrupts our health-care system and increases the cost of healthcare funded by the taxpayer." The case is being handled by CPM partners **Niall McCarthy**, **Justin Berger** and team.

SUIT AGAINST AMAZON FOR SALE OF DEFECTIVE LITHIUM-ION BATTERIES



CPM's Niall McCarthy, **Karin Swope** and **Jeffrey Mudd** represent a class of consumers who were sold unfair and/or deceptively-marketed, dangerous or defective lithium-ion 18650 batteries from Amazon. Amazon profited handsomely by mislead-

ing the public to believe that the batteries had longer capacity or higher output than they did, and possessed safety features they did not possess, CPM defeated Amazon's Motion to Dismiss and is currently in contact with victim class members. The case is in federal court in Seattle.

RECOVERY FOR CITY OF LOS ANGELES AGAINST AT&T AND OTHERS



CPM's Niall McCarthy and team recently settled a qui tam matter on behalf of the City of Los Angeles. Beginning in 2006, the City entered into contracts with AT&T, Sprint, and Verizon for wireless equipment and services. Relator filed three separate qui tam actions under the California False Claims Act in Los Angeles County Superior Court against each carrier. In 2016, the City intervened, filing a Complaint-in-Intervention, alleging violations of the California False Claims Act, Breach of Contract, violation of Unfair Competition law, and Unjust Enrichment. After months of negotiations, all three qui tam matters were settled for a combined total of \$10.5M for the City of Los Angeles.

CPM RESOLVES SUIT FOR ELDERLY WOMAN INJURED BY NEGLIGENT PLACEMENT OF PG&E VAULT LID



CPM brought suit on behalf of a woman injured in a fall caused by an upraised PG&E utility vault lid placed in a Piedmont sidewalk. Suit was filed in Alameda County Superior Court against PG&E, the adjacent business owner, and the property owner seeking recovery for her injuries. After extensive discovery and with trial set for August 2022, CPM successfully resolved the suit through mediation with the multiple defendants. The CPM team was led by **Frank Pitre** and **Julie Fieber**.

CONSUMER CASES UPDATE



FLOOD VICTIMS FILE SUIT AGAINST CITY OF BURLINGAME OVER NEGLIGENCE AND FAULTY WATER PUMP SYSTEMS

Business and property owners in the old Bayshore area filed suit—one of many to come—against the City of Burlingame for dangerous conditions created by the City's storm water systems during the storm on October 24, 2021. The City had received prior warning of rain, with several days to prepare for its impact, yet failed to act. The City knew that the storm water system had been in disrepair for years and the pumps were inadequate. The complaint alleges that in 2009, a \$39 million taxpayer-funded capital improvement program was approved that included upgrading the pumps to avoid flooding problems. Prior to the October 24th storm, a City Contractor had removed the old pumps but was behind schedule on installing new pumps. The temporary pumps they left instead were woefully inadequate and failed to prevent the flooding. The result, predictably, was extensive flooding throughout the area east of Hwy 101. Many business and property owners in the industrial area were similarly impacted, with thousands of dollars of property damage and lost business. The case is being handled by **Julie Fieber, Andrew Britton** and team.



CPM PROSECUTES BANK OF AMERICA'S FAILURE TO DISTRIBUTE EDD FUNDS

CPM is co-lead counsel in a multi-district class action against BofA which distributed California unemployment insurance by debit card without the security strip. During the pandemic, BofA automatically closed claims of unauthorized transactions and froze cardholder accounts, leaving many without access to their funds for months on end. In June 2021, the district court granted a Preliminary Injunction finding plaintiffs "demonstrated a strong likelihood of success on their claims." More than a year later, in July 2022, the bank's regulators (OCC and CFPB) fined BofA \$225 million and entered a consent order requiring BofA to provide relief to harmed consumers. The case is being handled by CPM attorneys **Brian Danitz, Andrew Kirtley, Sebastian Nguyen** and team.

NRA TAKES ON CITY OF SAN JOSE OVER CITY'S FIRST-OF-ITS-KIND GUN ORDINANCE



CPM represents the City of San Jose in defense of its first-of-its-kind gun ordinance, which requires all gunowners within the City to obtain insurance to cover accidental harm that may be caused by their guns and pay \$25 to a non-profit organization to provide services within the City such as suicide prevention, domestic violence, and gun safety. Three sets of plaintiffs have filed legal attacks against the Ordinance. On August 3, 2022, Judge Beth Labson Freeman denied a preliminary injunction filed by one plaintiff group, led by the National Association of Gun Rights, which tried to immediately halt the Ordinance from taking effect. Having overcome that first hurdle, the Court will next decide the City's motions to dismiss each of the three plaintiff's complaints. This case is being run by **Joe Cotchett, Tamarah Prevost, Andrew Kirtley, Melissa Montenegro** and team.

CPM RESOLVES SUIT OVER NEGLIGENT FUNERAL PRACTICES IN CENTRAL VALLEY



CPM filed a lawsuit against a Central Valley funeral home in the Eastern District of California. Plaintiffs are a grieving family who allege that the funeral director mishandled the remains and burial of their son. After extensive fact and expert discovery the CPM team was preparing for a December trial. Following multiple rounds of mediation, CPM achieved a negotiated resolution of the dispute for the benefit of the family. The CPM team was led by **Julie Fieber, Andrew Kirtley** and team.

CPM FILES CONSUMER FRAUD CASE AGAINST AMBETTER HEALTH INSURANCE PLANS



CPM and co-counsel have filed a consumer fraud action against a number of health insurance entities generally known as "Ambetter." Plaintiffs allege Ambetter intentionally targets their health insurance products to low-income individuals who are often transitioning off of Medicaid in their respective states by making false and misleading representations regarding their services. Specifically, Plaintiffs allege that consumers have been overcharged because Ambetter does not deliver the benefits as advertised and fails to satisfy the minimum requirements imposed by the Affordable Care Act and other federal and state laws and regulations. Plaintiffs further allege that the provider networks are misrepresented and members have difficulty finding an in-network provider. Plaintiffs also allege Ambetter plans routinely refuse to pay for medical services and medications that the plan purportedly covers. The case is being handled by **Adam Zapala, Alex Barnett, Gayatri Raghunandan** and team.

BUSINESS FRAUD & ANTITRUST UPDATE



JOHN DEERE SUED ON BEHALF OF THE NATION'S FARMERS - CPM APOINTED LEAD COUNSEL -

CPM, along with Gustafson Gluek and Wexler Boley & Elgersma LLP, were appointed by the Court in the Northern District of Illinois to lead a ground-breaking and cutting edge antitrust case regarding farmers' "right to repair" their John Deere tractors and other agricultural equipment. Drawing on their strong self reliance, farmers traditionally have repaired their agricultural equipment themselves. As tractors became more complex and computerized, Plaintiffs allege that John Deere locked farmers out of their ability to repair their tractors by requiring many repairs to be cleared by diagnostic codes held by Deere-affiliated dealers. Plaintiffs also allege that Deere is attempting to monopolize the repair market for which Deere reaps substantial revenue. As a result of Deere's conduct, Plaintiffs allege that farmers have overpaid for repair services for their tractors and other agricultural equipment. This litigation is being handled by **Adam Zapala, Elizabeth Castillo, Alex Barnett, James Dallal** and team.

CPM AND TEAM REACH HISTORIC SETTLEMENT IN SALMON ANTITRUST LITIGATION



CPM and their co-counsel have reached a historic settlement with the Defendants on behalf of indirect purchasers of North Atlantic Farm-Raised Salmon. Plaintiffs alleged that Defendants—some of the largest companies engaged in North Atlantic Farm-Raised Salmon—conspired to increase the prices of salmon. The terms of the proposed settlement are not yet public but will be presented for approval by the district court in the near future. The case is being handled by **Adam Zapala, James Dallal** and team.

THE COURT CERTIFIES A LITIGATION CLASS AND CPM SEPARATELY OBTAINS FINAL APPROVAL OF \$104 MILLION IN SETTLEMENTS FOR CHICKEN PRICE-FIXING

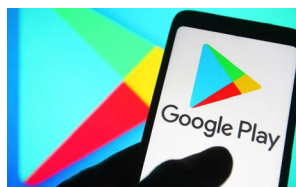


In a major victory, the District Court for the N.D. of Illinois certified a class of commercial and institutional indirect purchaser plaintiffs ("CIIPPs") for litigation purposes against many of the nation's chicken processors permitting the class to move forward to trial on their claims. The Court of Appeals for the Seventh Circuit denied Defendants' request to appeal the District Court's decision. Adam Zapala for CPM handled witness examinations and closing arguments during the proceedings for the CIIPPs. Separately, the District Court approved \$104 million in settlements on behalf of a class of restaurants and commercial food preparers represented by CPM in the long-running litigation. CPM and Gustafson Gluek serve as Co-Lead Counsel for the CIIPP, Defendants are leading suppliers of Broilers in an industry with over \$30 billion in annual wholesale revenue. This case is handled by **Adam Zapala, Alexander Barnett, James Dallal** and team.

CPM IS APPOINTED TO HELP LEAD THE COPAXONE LITIGATION

CPM has been designated as a steering committee member in the important Copaxone antitrust litigation. CPM and co-counsel alleged that Teva, a manufacturer of Copaxone, which is a critical drug for treating Multiple Sclerosis ("MS"), engaged in a variety of schemes to thwart generic competition for the drug and hence drive up prices. Plaintiffs allege that, as a result, the annual cost of Copaxone has skyrocketed from less than \$10,000 for a yearly course in 1997 to nearly \$70,000 per year in 2020. The case is being handled by **Adam Zapala, Elizabeth Castillo, Alex Barnett, Gayatri Raghunandan** and team.

CPM'S ANTITRUST CASE AGAINST GOOGLE PROCEEDS TO THE CLASS CERTIFICATION STAGE



The Court recently heard argument and testimony in a monopolization case against Google regarding its sale of apps on Google Play Store. The District Court appointed CPM to the Plaintiffs' Steering Committee on behalf of plaintiffs who purchased and paid Google for a class of 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. The Court will rule on Plaintiffs' class certification bid shortly. **Nanci Nishimura** is on the steering committee, and has been handling the case with **Joe Cotchett, Adam Zapala, Elizabeth Castillo, Karin Swope, James Dallal** and team.

Elizabeth Castillo Moderates Discussion on Antitrust Class Actions



CPM partner, **Elizabeth Castillo** moderated the Big Stakes Antitrust Trial: In re Capacitors Antitrust Litigation (N.D. Cal.) at the California Lawyers Associations' Golden State Antitrust and Unfair Competition Law Institute. In the antitrust class action trial, direct purchasers of electronic components alleged price-fixing by almost two dozen capacitor manufacturers. The final two defendants settled during the jury trial in the Northern District of California. The panel, trial counsel presented their never-before-seen closing statements and discussed their trial experience.

STOCK FRAUD & SECURITIES ACTIONS UPDATE

TWITTER SHAREHOLDERS FILE SUIT ALLEGING ELON MUSK'S CONDUCT DEFLATED TWITTER'S STOCK IN ATTEMPTED BUYOUT OF COMPANY



CPM and Bottini & Bottini filed suit in the U.S. District Court for the Northern District of California on behalf of Twitter shareholders against Elon Musk for manipulating the market for Twitter stock. After first agreeing to buy Twitter for \$54.20 per share on April 25, 2022, Musk began denigrating Twitter and then trying to renegotiate the deal. Musk's false statements and tweets have resulted in an \$8 billion loss of market capitalization for Twitter shareholders, who are forced to go along for the ride and games. Twitter's shares suffered an immediate loss as a direct result of Musk's tweets and his invitation for the SEC to investigate Twitter. The lawsuit seeks remediation for the shareholders who suffered the harm done. The case is being handled by **Joe Cotchett, Mark Molumphy, Tyson Redenbarger** and team.

ROBINHOOD SETTLES 2020 OUTAGE LITIGATION



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; many users suffered large financial losses and others missed out on opportunities while the app, website, and customer support were entirely unavailable. After lengthy litigation, the parties recently announced a settlement providing \$9.9 million to proposed class members. CPM has filed for preliminary approval of the settlement before Judge James Donato in the Northern District of California. The case is being handled by **Anne Marie Murphy, Mark Molumphy, Tyson Redenbarger** and team.

COURT CERTIFIES CLASS IN MICRO FOCUS SHAREHOLDERS LAWSUIT



CPM serves as co-lead counsel on behalf of a certified class of investors in the merger between Micro Focus and a subsidiary of Hewlett Packard Enterprise. The court recently granted class certification and discovery is moving full-steam ahead in preparation for trial in 2023. 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 **Mark Molumphy, Tyson Redenbarger** and team.

COURT APPROVES DERIVATIVE SETTLEMENT TO PROTECT SHAREHOLDERS



CPM represented shareholders in a derivative action in Marin County against the founder and former CEO of medical device company Sanovas, Inc. who was convicted of embezzling more than \$3 million and sentenced to 135 months in prison. On August 26, 2022, the Court gave final approval to a settlement and permanent injunction that protects the Company from \$5 million in payments and 10 million shares of the company 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. Together, the permanent injunction and corporate governance reforms will help Sanovas move on from the harms caused by its convicted former CEO. The case is being handled by **Brian Danitz, Tyson Redenbarger** and team.

COURT GRANTS CLASS CERTIFICATION IN UBER IPO CASE



CPM represents investors in a class action filed in the United States District Court for the Northern District of California relating to the initial public offering of Uber, the San Francisco-based ride sharing platform. CPM, along with other firms, allege that Uber failed to disclose material information about its operations which, once revealed after the IPO, resulted in market losses. The court recently granted class certification and discovery is now moving forward. The case is being handled by CPM attorneys **Mark Molumphy, Tyson Redenbarger, Elle Lewis** and team.

CPM OBTAINS MORE FOR INVESTORS IN CALIFORNIA COURT EVENTBRITE PUBLIC OFFERING CASE - LOWBALL SETTLEMENT REJECTED -

CPM serves as Co-Lead counsel for IPO investors in Eventbrite, an event ticketing company, in litigation pending in San Mateo County Superior Court. After learning of Eventbrite's attempt to negotiate a settlement agreement with other investors resolving claims of all class members for a paltry amount, CPM intervened and successfully petitioned the federal court to reject the settlement. In California state court, CPM then defeated motions to dismiss, obtained discovery and, with trial approaching, negotiated a new settlement for \$19.25 million, an amount ten times higher than the prior deal. The historic settlement recently received final approval from the court and will be distributed in 2022. The case is being handled by **Mark Molumphy, Tyson Redenbarger, Elle Lewis** and team.

ENVIRONMENTAL & POLLUTION UPDATE



LAWSUIT AGAINST MANUFACTURERS OF PLASTIC CONSUMER GOODS MOVES FORWARD

After over two years of litigation, Earth Island Institute, represented by **CPM**, received an order from the San Mateo County Superior Court allowing its landmark lawsuit to proceed against 10 major plastic consumer goods companies for the nuisance allegedly created by their plastic packaging, including polluting California waterways with plastic trash and touting products as recyclable when they're not. The case is now entering the discovery phase where Plaintiff will collect evidence in preparation for trial. The case is handled by **Mark Molumphy, Joe Cotchett, Tyson Redenbarger** and team.

CPM NAMED LEAD COUNSEL IN CARSON DOMINGUEZ CHANNEL POLLUTION LITIGATION IN L.A.



CPM was appointed by the Los Angeles County Superior Court as Lead Counsel in the Dominguez Channel Pollution Litigation. The case arises from the Fall 2021 contamination of the Dominguez Channel, a 16-mile-long flood control channel that runs through the heavily populated neighborhood of Carson, California. The contamination of Hydrogen Sulfide, also known as sewer gas went on, for months. Thousands of households were affected, causing residents to become sick with nausea, vomiting and respiratory problems. Many families were forced to relocate from their homes due to the sickening smell. There are over 12,000 plaintiffs against multiple defendants. The lawsuit alleges that several factors contributed to the formation of Hydrogen Sulfide in the Channel, including a massive fire outside a nearby warehouse where hand sanitizer and other household items were being improperly stored. The fire fighting effort sent chemicals into the Channel through storm drains, which then mixed with Channel vegetation and refinery wastewater. The case is being handled out of CPM's Santa Monica office by **Gary Praglin, Kelly Weil, Carlos Urzua** and **Theresa Vitale**.



CPM CONTINUES FIGHTING AGAINST PFAS IN DRINKING WATER

CPM and several partner law firms are representing municipalities in their fight to clean up drinking water sources contaminated with "PFAS". CPM's clients are the Atascadero Mutual Water Company and the City of San Diego, whose water supply wells were both impacted by PFAS. These toxic chemicals are known as "forever chemicals" because they persist in the groundwater and drinking water across the nation. Manufacturers of PFAS knew long ago that the chemicals would persist in the environment. PFAS chemicals were widely used in fire fighting foam which historically entered the groundwater and then drinking water sources. The cases are in varying stages of the Multi-District Litigation pending in South Carolina. **Niall McCarthy, Julie Fieber, Gary Praglin, Kelly Weil** and **Theresa Vitale** are handling the cases from CPM's Santa Monica office.

COTCHETT MAKES MAJOR DONATION TO GREEN FOOTHILLS: THE CHAMPION FOR NATURE AND WILDLIFE



CPM's Joe Cotchett donated \$250,000 to the environmental nonprofit Green Foothills to help secure diverse, impactful and talented employees to the organization. The gift was made in honor of former Congressman and CPM partner **Pete McCloskey**. "Without support from the larger community and people like Joe Cotchett, we wouldn't be able to compensate our team," said Megan Fluke, Green Foothills' Executive Director.

CPM CONTINUES LONG-RUNNING FRESNO WATER CASE CORROSION AND DAMAGE TO PIPING



CPM continues its long-running battle with the City of Fresno over the City's negligent operation of a water treatment plant. CPM has alleged the City failed 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. In June 2022, the City moved for summary judgment on the homeowners' claims. CPM has filed an extensive opposition brief which, inter alia, highlights the City's failure to perform its mandatory duty to report discolored water complaints to the State for several years after the new water treatment plant went online. The motion is set for hearing at the end of September. If the homeowners prevail, this case will proceed to trial in April 2023. CPM's team is lead by **Frank Pitre, Julie Fieber** and team.

MAJOR CASE UPDATES

JUUL E-CIGARETTE UPDATE: MAJOR SETTLEMENT REACHED BUT CPM CONTINUES FIGHT FOR LOCAL SCHOOLS



In September 2022, Juul agreed to pay approximately \$440 million to 33 states to settle claims that the vape maker marketed its products to teens. **CPM** is handling related litigation for the San Mateo County Unified School District, alleging that JUUL developed a marketing strategy, advertising and product design to target minors especially preteens and teenagers, resulting in increased use of electronic cigarettes by youth in San Mateo County and increased costs for local schools. CPM and Co-Counsel also represent Cabrillo Unified School District, San Mateo-Foster City School District, Jefferson Union High School District, the South San Francisco Unified School Districts, the San Mateo County Board of Education and the San Mateo Superintendent of Schools. The case is being handled by CPM's **Joe Cotchett**, **Anne Marie Murphy** and co-counsel.

developed a marketing strategy, advertising and product design to target minors especially preteens and teenagers, resulting in increased use of electronic cigarettes by youth in San Mateo County and increased costs for local schools. CPM and Co-Counsel also represent Cabrillo Unified School District, San Mateo-Foster City School District, Jefferson Union High School District, the South San Francisco Unified School Districts, the San Mateo County Board of Education and the San Mateo Superintendent of Schools. The case is being handled by CPM's **Joe Cotchett**, **Anne Marie Murphy** and co-counsel.

ATTORNEY SPOTLIGHT - JEFF MUDD -

Jeff Mudd joined **CPM** Santa Monica in February 2022, after five years defending corporations in high stakes litigation. Jeff made the switch to plaintiff-side work at CPM out of a desire to help individuals and protect consumers. Jeff has found the switch to be fulfilling. At CPM, Jeff is now taking on large companies for various unfair business practices, including violating individuals' privacy, and misleading shareholders, as well as prosecuting qui tam actions against defendants for



defrauding the government. Outside of work, Jeff is recently engaged to Cathren Cohen, who is a Staff Attorney with the Williams Institute and the Center on Reproductive Health, Law, and Policy at the UCLA School of Law. Aside from fighting for justice through their work, Jeff and Cathren enjoy playing frisbee at the park with their Australian Shepherd, Chester.

CPM REPRESENTS COUNTY IN OPIOIDS LITIGATION AGAINST COMPANIES RESPONSIBLE FOR CRISIS



The County of San Mateo continues to litigate against opioid manufacturers and distributors to address the financial burden on the County from the opioid epidemic, and importantly, the high death rate attributable to opioid use. The ground-breaking litigation continues to make national news. **CPM** is pleased to announce that funds from partial settlements in the sprawling litigation will start flowing to San Mateo County this Fall. The attorneys handling the case are CPM's **Joe Cotchett**, **Anne Marie Murphy** and team.

The ground-breaking litigation continues to make national news. **CPM** is pleased to announce that funds from partial settlements in the sprawling litigation will start flowing to San Mateo County this Fall. The attorneys handling the case are CPM's **Joe Cotchett**, **Anne Marie Murphy** and team.

CPM MOVES FORWARD WITH CROP INPUTS LITIGATION - EASTERN DISTRICT MISSOURI -



CPM has been appointed to the steering committee in the Crop Inputs litigation. Plaintiffs allege that the Defendants engaged in a group boycott of an online platform that would have provided price transparency and ultimately lower prices for farmers purchasing crop inputs, such as seeds and other crop protection agents. Plaintiffs allege that the unlawful agreement between Defendants—manufacturers, wholesalers, and retailers of Crop Inputs—artificially increased and fixed the prices of crop inputs for our nation's farmers. Defendants have filed a Motion to Dismiss Plaintiffs' complaint, and Motion is fully briefed and awaiting a ruling by the Court. CPM hopes to pursue discovery in this matter in the near future. The case is being handled by **Adam Zapala**, **Elizabeth Castillo**, **James Dallal** and team.

- WELCOMING CPM'S NEW ASSOCIATES -



DAVID HOLLENBERG

He received his J.D. from American University Washington College of Law, and an A.B. in Government and Romance Languages from Dartmouth College. Hollenberg works primarily on class actions, qui tam, and employment matters. Prior to joining CPM, he practiced for several years as an Assistant State's Attorney in Maryland.



GAYATRI RAGHUNANDAN

She is a licensed attorney in India. In the United States, she obtained an LLM degree from the University of California, Berkeley School of Law and was a law clerk in the Antitrust Division at the California Department of Justice. Raghunandan has spent much of her career in complex antitrust and business litigation.

CALIFORNIA WILDFIRE CASE UPDATES



CPM PREPARES FOR TRIAL IN KINCADE FIRE AGAINST PG&E - SONOMA COUNTY -

CPM's Frank Pitre, Nabilah Hossain, Duffy Magilligan, and Andrew Britton are leading the trial team in preparation for the first Kincade Fire jury trial scheduled for November 7, 2022 in San Francisco. The Kincade Fire began on October 23, 2019 when a jumper cable on a PG&E transmission tower broke in the wind and rained molten metal down onto the dry vegetation below. The fire burned across 77,000 acres and destroyed 434 structures in Sonoma County and caused many people to evacuate.

CPM INVESTIGATING ROSEBURG FOREST PRODUCTS FOR IGNITING THE MILL FIRE



CPM is leading the investigation into the September 2, 2022 fire in Weed, California, that caused the deaths of four people, destroyed more than 50 structures, and burned nearly 4,000 acres in Siskiyou County. Local lumber company, Roseburg Forest Products, admitted that the fire originated on their property. The case is being handled by CPM attorneys **Joe Cotchett, Frank Pitre, Duffy Magilligan, Nabilah Hossain, Andrew Britton** and team.

CPM REPRESENTING VICTIMS OF THE MCKINNEY FIRE



Joe Cotchett and **Frank Pitre** are leading the investigation into 2022's McKinney Fire. The McKinney Fire caused the deaths of four people, injured many others, burned over 60,000 acres, and destroyed 185 structures, including approximately 90 homes in Siskiyou County. CPM is leading the effort to hold PacifiCorp, an electric utility, responsible for their negligent inspections of their infrastructure. The case is being handled by CPM attorneys **Duffy Magilligan, Nabilah Hossain, Andrew Britton** and team.

CPM INVESTIGATING MASSIVE FERTILIZER FIRE IN HINKLEY, CALIFORNIA



CPM has been investigating a toxic fertilizer fire in the rural high desert town of Hinkley, California (made famous by the movie Erin Brockovich) since the fire started burning out of control on May 28, 2022 from the Synagro biosolids site upwind of Hinkley. The town has once again been exposed to toxic waste; this time by air and not by groundwater. At its facility, Synagro processes wet solid human waste known as biosolids in the open desert and re-sells it as fertilizer. Synagro is the largest manufacturer of biosolids fertilizer in the United States. The fire has been burning and smoldering for months. CPM anticipates filing a lawsuit against Synagro and others in Fall 2023, alleging that chemicals and odors released from the burning fertilizer sickened thousands of residents who have sought medical treatment for nausea, headaches, respiratory issues, and exacerbating pre-existing illnesses. The investigations are being handled by **Gary Praglin, Kelly Weil, Hannah Brown** and team from the Santa Monica office.

CPM INVESTIGATING PG&E FOR IGNITING THE MOSQUITO FIRE



The Mosquito Fire began on September 6, 2022 east of Foresthill in Placer County. The fire has burned over 75,000 acres and threatened thousands of structures. CPM is investigating PG&E's statement to the CPUC that their equipment may have been involved in the ignition. The case is being handled by CPM attorneys **Frank Pitre, Duffy Magilligan, Nabilah Hossain, Andrew Britton** and team.

HONORS FOR CPM ATTORNEYS



CPM ATTORNEYS SELECTED TO 2022 SUPER LAWYERS AND RISING STARS LIST

We are honored to announce that more than half of the firm's attorneys have been selected to the 2022 Super Lawyers and Rising Stars list. Honorable mention to **Joe Cotchett** on the Top 10 & Top 100 list, **Frank Pitre** on the Top 10 & Top 100 list, **Niall McCarthy** on the Top 100 list, **Mark Molumphy** on the Top 100 list and **Anne Marie Murphy** on the Top 100 list and Top 50 Women.



FOUR PARTNERS RECOGNIZED AS BEST LAWYERS IN AMERICA

CPM is proud to announce that four of the firm's attorneys have received recognition in the 2023 edition of The Best Lawyers in America. The four attorneys recognized are **Joe Cotchett**, **Frank Pitre**, **Niall McCarthy** and **Karin Swope**. The Best Lawyers in America list is based on a peer-review survey process in which thousands of leading attorneys confidentially evaluate other attorneys in their practice areas.



TYSON REDENBARGER HONORED AS TOP 40 UNDER 40

CPM partner **Tyson Redenbarger** has been named one of the legal Daily Journal's Top 40 Under 40 for 2022. The Daily Journal noted Redenbarger's outstanding work in Zoom's historic privacy settlement.



FRANK PITRE TO BE INDUCTED AS PRESIDENT OF CAL-ABOTA

CPM is proud to share the news that **Frank Pitre** will be inducted as President of CAL Chapter of American Board of Trial Advocates. It is an organization of over 1,500 members equally represented by both plaintiff and defense trial lawyers who are elected by their peers for their demonstrated trial experience, excellence in advocacy and integrity.



CPM ATTORNEYS RECOGNIZED BY LAWDRAGON IN NATIONAL SURVEY FOR CALIFORNIA TOP LAWYERS

CPM partners were recognized among the Lawdragon 500 Leading Plaintiff Consumer Lawyers for 2022 - **Joe Cotchett**, **Julie Fieber**, **Robert Hutchinson**, **Duffy Magilligan**, **Niall McCarthy**, **Anne Marie Murphy**, **Nanci Nishimura**, **Frank Pitre** and **Gary Praglin**. They are also among the nine partners recognized as one of the Lawdragon 500 Leading Plaintiff Financial Lawyers for 2022 - **Joe Cotchett**, **Frank Pitre**, **Niall McCarthy**, **Mark Molumphy**, **Nanci Nishimura**, **Alexander Barnett**, **Adam Zapala**, **Anne Marie Murphy** and **Julie Fieber**. Lawdragon selected the lawyers from journalistic research, submissions by firms and clients, and vetting by peers.



PITRE, PRAGLIN, AND WEIL NOMINATED FOR CONSUMER ATTORNEY OF THE YEAR - CALIFORNIA SOCIAL GAS LEAK CASES -

CPM partners **Frank Pitre**, **Gary Praglin**, and **Kelly Weil** have been nominated, along with others who served in a leadership role, as a finalist for Consumer Attorney of California's prestigious Consumer Attorney of the Year award in connection with their representation of over 35,000 individual Plaintiffs whose communities were polluted by a massive natural gas well blowout.



COTCHETT NAMED TO TOP 100 LAWYERS IN CALIFORNIA - 2022 BY LEGAL DAILY JOURNAL

CPM's **Joe Cotchett** has been named one of the 2022 Top 100 Lawyers in California by the Daily Journal, California's legal newspaper. This list recognizes lawyers in California with performing cutting-edge legal work. Every year, the Daily Journal editors review thousands of submissions to produce the "Top 100 Lawyers" list from over 250,000 lawyers in California. **Benchmark (London Publication) Litigation** has named Cotchett to the Top 20 Trial Lawyers for the State of California after a very in-depth survey.

NANCI NISHIMURA RECOGNIZED AS TOP 100 WOMEN LAWYERS IN CALIFORNIA



CPM partner **Nanci Nishimura** earned recognition on the Top 100 Women Lawyers list for 2022 by the Daily Journal, which honors leaders in the legal profession throughout California. The Daily Journal noted Nishimura's work on Google's privacy violation and her community-based pro bono work.

Nanci Nishimura Invited to White House to Celebrate Asian Heritage Month



CPM partner **Nanci Nishimura** celebrated Asian Heritage Month at the White House by invitation of the President and First Lady to join prominent Asian Americans, including Senator Tammy Duckworth, Congressman Ted Lieu and U.S. Trade Representative Katherine Tai, as well as leaders in technology, education, journalism and entertainment.

Nishimura is Co-Chair and a Founding Member of **Leaders Forum**, created in 2015 from the White House Initiative on Asian American Native Hawaiian and Pacific Islanders, which serves to promote people of diversity to the highest levels of public service, private enterprise, and philanthropy. LF has promoted members to serve on the President's Cabinet, the judiciary, federal agencies, and commissions, including the Smithsonian Institution.

COMMUNITY COMMITMENT



CPM SUPPORTS THE LOS ANGELES CENTER FOR LAW AND JUSTICE (LACLJ)



CPM Santa Monica partner **Kelly Weil** serves on the Leadership Council and as a pro bono attorney for LACLJ where she advocates on behalf of domestic abuse survivors. In July and August of this year, Weil represented a victim of domestic abuse against her abuser in a petition for a Domestic Violence Restraining Order, custody, and financial support. CPM is a proud sponsor of LACLJ and the amazing work that they do in Family Court, Immigration Court, and the Court of Appeals.

"Kelly's passion for our mission both serving survivors and supporting our community fundraising efforts impacts not only LACLJ but the entire LA County community of survivors."

- LACLJ CEO, Norayma Cabot



DUFFY MAGILLIGAN APPOINTED TO CORA BOARD

Duffy Magilligan was appointed to the Board of Directors for CORA (Community Overcoming Relationship Abuse), San Mateo County's only provider of comprehensive intimate partner abuse prevention services including housing, counseling, and litigation support. Magilligan was inspired to join after serving as a domestic violence prosecutor at the Santa Clara County District Attorney's Office.



CPM TEAMS UP WITH LEGAL AID SOCIETY TO PROVIDE FREE SERVICES



CPM is working with the Legal Aid Society of San Mateo County to provide pro bono legal services, including obtaining restraining orders in domestic abuse cases. CPM partner **Adam Zapala** is serving as President of the organization and attorneys handling pro bono matters include **Brian Danitz**, **Nabilah Hossain**, **Andrew Britton** and **Andrew Kirtley**.

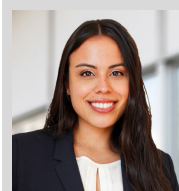


THERESA VITALE VOLUNTEERS AS ADVOCATE FOR TROUBLED YOUTHS

CPM's **Theresa Vitale** continues to advocate on behalf of youth involved in the juvenile justice system as a volunteer for her former advisor at the Juvenile Justice Clinic at Loyola Law School, Samantha Buckingham. Most recently, Theresa assisted in the forthcoming article, "When They See Us: Categorically Eliminating the Harm of Juvenile Interrogation," to be published in Volume 72 of the American University Law Review.

CPM PARTNERS ELECTED TO CAOC BOARD OF DIRECTORS

CPM continues its decades-long commitment to Consumer Attorneys of California (CAOC) with the election of **Anne Marie Murphy** as Treasurer of the organization, and **Kelly Weil**, **Duffy Magilligan**, and **Sarvenaz Fahimi** as board members. Murphy has served in executive leadership for several years and is also Co-Chair of CAOC's Annual Convention, which will take place in November and will feature top trial lawyer speakers, including CPM's **Mark Molumphy**, **Nanci Nishimura**, **Kelly Weil**, **Duffy Magilligan**, **Valerie Barretto** and **Sylvia Hernandez**.



MONTENEGRO NAMED TO THE GRANDE CENTER FOR EDUCATION AND ECONOMIC OPPORTUNITY BOARD

Grande Center for Education and Economic Opportunity named CPM's **Melissa Montenegro** a Board Member. Grande Center is a San Jose-based organization that seeks to address the root causes of migration by educating rural communities in El Salvador to thrive in the digital global economy. The organization catalyzes the next generation of leaders through bilingual, Catholic education.



PREVOST'S INTEGRAL ROLE FOR AMERICAN ASSOCIATION FOR JUSTICE

CPM's **Tamarah Prevost** was appointed Secretary of the Employment Rights Section for the American Association for Justice (AAJ), and the Membership Co-Chair for the New Lawyers' Division. AAJ is the preeminent national non-profit organization of plaintiff's attorneys, focused on education, advocacy, and lobbying for civil justice initiatives. Prevost is active in women lawyer groups.

BROWN ADVOCATES FOR UNDOCUMENTED IMMIGRANTS IN LOS ANGELES



CPM's **Hannah Brown** advocates for undocumented Californians by volunteering with the LA County Bar Association's Pro Bono Immigration Panel to conduct "Know Your Rights" presentations and provide consultations to guide immigrants through removal proceedings in immigration court. The immigration system is complex and challenging to navigate, and the difficulty is compounded by language, cultural, and societal barriers. Brown uses her years of experience in immigration law to ensure that immigrants fighting removal understand and can exercise their rights and pursue all avenues of relief in immigration court.

URZUA MENTORS INNER-CITY CHILDREN



CPM's **Carlos Urzua** regularly volunteers to support the long-term success of inner-city children. Recently, Urzua spoke with students at Para Los Niños Charter Middle School about the importance of education and the path to becoming an attorney. Para Los Niños serves some of L.A.'s most underprivileged children, placing education at the core of their work to help children, youth, and families reach their full potential.

CPM EVENTS



In July, **CPM** celebrated the Summer Law Clerks at the Giants vs. Diamondbacks game.



CPM staff kicked off summer with SF ABOTA's Summer Event at the Giants game.



The **San Mateo Police Activities League** celebrated their 25th Silver Anniversary at the Lights and Sirens Event in San Mateo. In attendance were San Mateo PAL Board President and CPM's **Darren Kelley** and staff, along with Assemblymember Kevin Mullin.

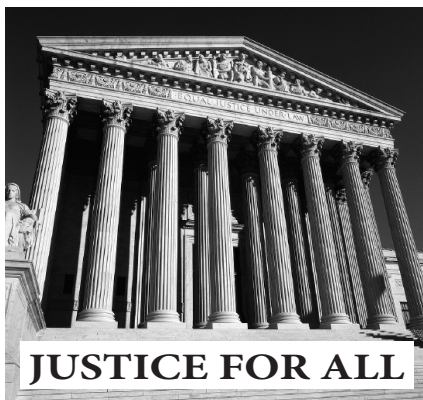
CPM sponsored the CAOC Sonoma Travel Seminar that featured several CPM speakers and participation. **Anne Marie Murphy** is the CAOC Chair of the Committee where she successfully organized the entire event and coordinated the speakers.



COTCHETT PITRE & MCCARTHY LLP

840 Malcolm Road | Burlingame, CA 94010

www.cpmlegal.com



"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)