

# ADVOCATES FOR JUSTICE

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## COTCHETT, PITRE & MCCARTHY LAWYERS HONORED AS SUPER LAWYERS FOR NORTHERN CALIFORNIA

In now the eighteenth year of publication, Northern California Super Lawyers magazine has recognized **Cotchett, Pitre & McCarthy** for its innovative approach to litigation. Out of the **56,000 practicing lawyers** in Northern California, **Joseph W. Cotchett** and **Frank M. Pitre** have been voted in the **Top 100** as Super Lawyers. **Joseph Cotchett** was the **top vote getter** for all of Northern California. Eight CPM attorneys have been honored in 2010 Super Lawyers. In addition to **Joseph W. Cotchett** and **Frank M. Pitre**, on the Top 100 list, they are **Nancy L. Fineman**, **Philip L. Gregory**, **Niall P. McCarthy**, **Mark C. Molumphy**, **Nanci E. Nishimura** and **Steven N. Williams**. Another eight of the firm's attorneys were chosen to the **Rising Stars List**—**Ara R. Jabaghourian**, **Justin T. Berger**, **Matthew K. Edling**, **Stuart G. Gross**, **Aron K. Liang**, **Anne Marie Murphy**, **Niki B. Okcu** and **Neil J. Swartzberg**.



### CPM REPRESENTS CA CITIES AND COUNTIES IN MUNICIPAL BOND ANTITRUST CASES



**Nanci Nishimura** and **Steve Williams** are leading CPM in representing California cities, counties and public agencies in Municipal Derivatives complaints against dozens of financial institutions including Goldman Sachs, JP Morgan Chase, UBS, Citibank, Morgan Stanley and Wells Fargo/Wachovia. The defendants are alleged to have price fixed municipal derivatives instruments, such as Guaranteed Investment Contracts ("GICs"). Municipal derivatives are used by cities, counties and agencies to invest public monies after a bond is issued in order to protect those monies prior to being spent for public purposes. **Nishimura** and **Williams** lead a team of **Stuart Gross**, **Aron Liang** and **Daniel Sterrett** to help Main Street fight the Wall Street banks.

### MARK MOLUMPY LEADS SECURITIES CASES AGAINST FREDDIE MAC AND WALL STREET BANKS IN NEW YORK



**Cotchett, Pitre & McCarthy** has been appointed lead counsel in the federal class action on behalf of Freddie Mac Preferred shareholders. **Mark Molumphy** and **Joseph Cotchett** with their team of **Matt Edling**, **Imtiaz Siddiqui** and **Jordanna Thigpen** are leading the firm in the case alleging that Freddie Mac's management, auditor and underwriters of its preferred stock offerings, namely – Merrill Lynch, Citigroup Global Markets, Morgan Stanley & Co., UBS Securities, and Wachovia Capital Markets – (a) overstated Fannie Mae's capitalization, (b) failed to disclose material facts, and (c) misled investors to believe that they were protected from subprime losses.

### MAIN STREET vs. WALL STREET

Fraud Cases filed by CPM include **AUCTION RATE SECURITIES, DERIVATIVES, SWAPS** and other financial instruments bought by public agencies and private investors.

## JOSEPH COTCHETT HONORED BY NOTRE DAME DE NAMUR UNIVERSITY



On May 22, 2010, **Joseph Cotchett** was honored by Notre Dame De Namur University with the *Community Spirit Award*. University President, Judith Maxwell Grieg said "Joe Cotchett has spent his life both in and out of the courtroom advocating for those who are less fortunate and couldn't fight for themselves." The school created the award to recognize individuals who have given their time, energy and resources to improve the quality of life for others. Cotchett has been named one of the 100 most influential lawyers in the nation for the past 10 years by legal journals. The dinner raised over \$200,000 for needed scholarships.

### MUNI BOND INSURANCE RATING AGENCIES CASES FOR PUBLIC ENTITIES

CPM represents numerous CA Cities, Counties, Agencies, and Non-Profits who were forced to pay millions of dollars in premiums for insurance as credit support to raise funds for public projects and millions more when the insurers' credit ratings collapsed with the sub-prime market. These cases represent tax dollars wrongfully taken from public entities. The Credit Rating Agencies are alleged to have conspired with the insurance companies.

### NIALL McCARTHY RECEIVES WILLIAM NAGLE MEMORIAL AWARD



**Niall McCarthy** was presented the William Nagle, Jr. Memorial Award by the San Mateo County Bar Association in February. The award is presented in recognition of the attorney whose successful innovations and selfless commitment of time and energy advance the professionalism of the legal industry. McCarthy along with his team of **Anne Marie Murphy** and **Justin Berger**, handles whistleblower suits, elder abuse cases and cases involving money taken illegally from public entities and companies.

### NANCI NISHIMURA NAMED TOP 100 WOMEN LITIGATORS IN CA



**Nanci Nishimura** was named one of the Top 100 Women Litigators in California in 2010 by the **San Francisco / Los Angeles Daily Journal**. Nishimura has served in a leadership role representing municipalities and shareholders in a number of complex cases involving business, intellectual property, antitrust and securities matters including the Municipal Bond and Derivatives cases. Nishimura previously served a three year term with the Commission on Judicial Nominees Evaluation (JNE).

### ANNE MARIE MURPHY CO-CHAIRS CAOC EVENT



**Anne Marie Murphy** Co-Chaired the Consumer Attorneys of California's (CAOC) 2010 Annual Tahoe Conference. Murphy is part of the Conference's faculty and presents a panel and lecture on winning trials through pre-trial practice. She is a past finalist for CAOC Trial Lawyer of the Year.

### LAWSUIT FILED BY FILIPINO VETERANS AGAINST VETERANS AFFAIRS FOR PROMISED BENEFITS



Filipino veterans who fought for the United States in World War II have been forced to sue for their justly deserved and long denied benefits. The lawsuit was filed by former Congressman Pete McCloskey and **Stuart Gross** of CPM and the Tancinco Law Offices against the Dept. of Veterans Affairs in Federal Court. During WWII, approximately 250,000 Filipino soldiers fought alongside the U.S. Army against the Japanese and were promised the same benefits that were given to the U.S. Army soldiers. For over 60 years, Filipino veterans have fought to get official recognition of their honorable U.S. military service during World War II and to be declared eligible to receive full veterans benefits from the U.S. Department of Veterans Affairs. **McCloskey** is a former U.S. Marine who served in Korea and was awarded the Navy Cross, the Silver Star and two awards of the Purple Heart.



**Nirav Engineer**  
*Chief Investigative Analyst*, heads up the investigative staff and forensic accountants



**Mark Grafilo**  
*Co-Head Paralegal*, co-heads the forensic paralegals



**Darren Kelley**  
*Co-Head Paralegal*, co-heads the forensic paralegals

## STEVE WILLIAMS TEACHES NEW E-DISCOVERY AND ANTITRUST LAW



**Steve Williams** teaches continuing legal education classes on California's new E-discovery law. Williams served on the committee which drafted California's E-discovery laws in 2009, and since that time has given presentations to many legal groups and bar associations on electronic discovery and is the co-author with Paul R. Kiesel of *California's 2009 E-Discovery Laws: Text and Analysis* (LexisNexis '09). **Joseph Cotchett** and **Steve Williams** head up the antitrust team along with **Neil Swartzberg**, **Aron Liang** and a team of forensic paralegals and accountants.

## NIALL McCARTHY & ARA JABAGCHOURIAN TEACH AND SPEAK AT *SIERRA CLUB*



**Niall McCarthy** and **Ara Jabagchourian** taught a seminar on depositions, trial strategy and tactics to attorneys and staff at the Sierra Club's legal office in June 2010. The presentation encompassed video taped depositions, computer generated demonstrative evidence and trial transcripts from matters previously handled by CPM. Subject areas such as the dos-and-don'ts of depositions, setting foundations for evidence, how to cross-examine experts and the use of creative demonstrative evidence in trial were just some of the topics covered in the seminar. CPM has been involved in numerous environmental cases such as the Cosco Busan oil spill in the San Francisco Bay.

## LAWSUIT FILED TO SAVE REDWOODS



**Philip Gregory**, **Pete McCloskey** and **Stuart Gross** of CPM filed a lawsuit in San Francisco Superior Court to protect the ancient redwoods of **Richardson Grove State Park** in Northern California. The lawsuit challenges CalTrans' approval of a controversial highway widening and realignment project which will require the removal of the ancient redwoods and destroy the Park.

## FINEMAN FEATURED IN BOALT HALL SCHOOL OF LAW *TRANSCRIPT* FOR INTERVIEW WITH MADOFF AND MADOFF LITIGATION



In the Spring 2010 issue of *Transcript*, **Nancy Fineman** was featured for her exclusive four hour interview with Bernard Madoff in prison. Fineman along with **Joseph Cotchett** are the only attorneys in the country who were given permission to speak with Madoff. CPM represents victims of the Madoff fraud. Fineman said, it was "jarring to sit across from the guy responsible for the worst of the worst. I saw how much he hurt our clients and how little remorse he showed. He said the words, but didn't seem to feel them at all... Our clients trusted this man... The hurt is not just financial, but a feeling of betrayal and investing trust in someone who didn't honor that." Fineman was featured on CNBC, FoxBusiness News, MSNBC, New York Magazine and Vanity Fair for **her representation of victims of the Madoff scam in New York courts**.

## FRANK PITRE APPOINTED NATIONAL CO-LEAD COUNSEL IN TOYOTA SUDDEN UNINTENDED ACCELERATION CASES



United States District Judge James V. Selna appointed **Frank Pitre** of CPM as Co-Lead Counsel for the Economic Loss Committee in the Toyota lawsuits. The MDL involves more than 200 lawsuits divided into two groups: losses on behalf of consumers and others who have lost value on their Toyotas, and for people who have been injured or killed in a Toyota. Frank Pitre, along with Steve Berman and Marc Seltzer were selected as Co-Lead

Counsel for those cases seeking economic losses. Toyota, the world's largest automaker, faces numerous federal and state lawsuits. Toyota, a Japan-based company has recalled more than 8 million vehicles for fixes related to sudden unintended acceleration. The automaker announced in September that it was recalling 3.8 million Toyota and Lexus vehicles because of a defect that may cause floor mats to jam accelerator pedals. The company later recalled vehicles over defects involving pedals themselves. **Recently, Pitre served as a National Co-Chair of the Bextra-Celebrex litigation which resulted in a settlement of \$894 million.**

## PETE McCLOSKEY HONORED BY PENINSULA COALITION



On May 6, 2010, **Pete McCloskey** was awarded the "Lifetime Achievement Award" by the Peninsula Coalition. The award, which honors those who have made extraordinary contributions to the community, was presented at the 6th Annual Community Honors Dinner.

## NIKI OKCU HONORED FOR PRO BONO WORK



Niki Okcu was recently recognized by Legal Aid Society of San Mateo for providing outstanding pro bono services to low income residences of San Mateo County. Okcu works with Frank Pitre on his team.

## 2010 WORLD EXPO IN SHANGHAI

In June, **Joseph Cotchett**, former Mayor Willie Brown, Frank Jordan, present Mayor Gavin Newsom, and others represented the San Francisco Delegation in celebrating the 30th anniversary of the San Francisco-Shanghai Sister City Committee event in Shanghai.

## JUSTIN BERGER GOES TO EL SALVADOR FOR JESUIT MASSACRE INVESTIGATION



Justin Berger traveled with a delegation of human rights attorneys and activists to El Salvador in April. The purpose of the trip was to commemorate the 20th anniversary of the massacre of six Jesuit priests and others and meet with government officials on this [continuing investigation](#).

## REBUILDING TOGETHER - HELPING THE COMMUNITY



On Saturday, April 24, 2010, **Cotchett, Pitre & McCarthy** attorneys, paralegals, and staff participated in Rebuilding Together, the nation's leading nonprofit working to preserve affordable homeownership and revitalize communities for low-income homeowners, particularly the elderly and those with disabilities. The CP&M team this year was headed up by Partner, **Ara Jabaghourian** and **Debbie Mitchell**, CPM Facilities Manager. With the support of 40 volunteers, the CP&M team scraped, primed, painted, and revitalized the residence of an 85-year-old senior living in **San Bruno**. CP&M also donated more than \$5,000 to the organization for other renovations.

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