

## Employment Law

Cotchett, Pitre & McCarthy, LLP is one of the premier advocates for the rights of employees, representing workers in a broad array of legal matters. Whether serving as lead counsel on large class action lawsuits or helping individuals protect their legal rights and receive the compensation they've earned, CPM has the resources, experience and dedication to help employees pursue workplace justice.

CPM represents both individual workers and classes of employees in the categories below and in other disputes arising under state and federal employment laws. For more information about your legal rights as an employee, or to discuss a potential legal matter, please follow up with Adam Zapala, Tamarah Prevost, or Justin Berger.

- Email Adam Zapala
- Email Tamarah Prevost
- Email Justin Berger
- Call Adam Zapala, Tamarah Prevost, or Justin Berger at (650) 697-6000.

Among other matters, CPM represents workers in the following areas:

- **Wage & Hour Violations**
- **Employee Misclassification**
- **Retaliation and Whistleblower Protection**
- **Executive Severance Negotiations**
- **Discrimination and Sexual Harassment**
- **Unlawful Agreements to Suppress Wages**
- **Labor Union Representation**
- **ERISA (Employee Retirement Income Security Act) Violations/  
Retirement Fund Mismanagement**

### Key Contacts

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- FINRA (Financial Industry Regulatory Authority) Arbitrations

### Noteworthy Cases

#### ***Shephard v. Lowe's HIW, Inc.***

USDC Northern District of California

CPM, with Block & Leviton, filed a lawsuit against Lowe's HIW, Inc. ("Lowe's") on June 15, 2012, alleging that Lowe's misclassified all California installers as independent contractors in violation of California law. The Honorable Jeffrey S. White granted Plaintiff's Motion for Class Certification in August 2013, certifying the class of California installers and appointing Block & Leviton and CPM as class counsel. The firms successfully achieved a \$6.5 million settlement on behalf of the class of California installers, which was preliminarily approved on June 25, 2014 and is awaiting final approval.

#### ***Cozzitorto et al. v. AAA***

Contra Costa County Superior Court

CPM represents a class of Northern Californian tow truck companies in a lawsuit against AAA for its wrongful misclassification of roadside service providers as independent contractors as well as for breach of contract. CPM's lawsuit alleges that AAA exerts total control over every manner of the towing business, and even requires tow companies to incur high costs to obtain AAA-compliant vehicles, uniforms and equipment. The class action complaint was filed on December 19, 2013 in the Superior Court of Contra Costa County.

#### ***Avery v. Integrated Healthcare Holdings, Inc.***

Orange County Superior Court

CPM served as co-lead counsel in a class action lawsuit filed against the IHHI chain of hospitals in Southern California. CPM represented registered nurses and respiratory therapists who were not paid overtime wages in accordance with state law. The case settled for \$14.5M in 2013, and the court granted final approval of the settlement in August 2014.

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### ***Los Angeles Times / Zell***

USDC Northern District of Illinois

CPM successfully represented current and former journalists of the *Los Angeles Times* in a lawsuit filed against Sam Zell, the Tribune Company, and others, for a breach of their fiduciary duties, violating ERISA, improper valuation and misuse of employee pension fund assets and conflicts of interest. Other allegations included that Tribune Company employees, who technically own the company through the Tribune ESOP, had been damaged by the go-private transaction and by the subsequent mismanagement and self-dealings of Tribune executives, including Sam Zell, the result of which had been to diminish the value and the products of the employee-owned company. CPM received approval for a \$32 million settlement for the employees' retirement plan.

### ***Cynthia Sotelo, et al. v. MediaNews Group, Inc., et al.***

Alameda County Superior Court

CPM represented a class of Hispanic newspaper carriers whose labor was exploited by the ANG Newspaper Group, a media conglomerate.

### ***In re: Wachovia Securities, LLC, Wage and Hour Litigation***

USDC Central District of California

CPM was designated co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits filed against Wachovia Securities, LLC, on behalf of more than 10,000 current and former stockbrokers who were not paid in accordance with state and federal law.

### ***In re: AXA Wage and Hour Litigation***

USDC Northern District of California

CPM was appointed co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits filed against the AXA family of insurance companies on behalf of more than 7,000 current and former financial sales representatives who were not paid in accordance with state and federal law.

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### ***Shriger v. Advanced Equities Inc. ("AEI") et al.***

San Francisco County Superior Court

CPM represented an employee of a broker dealer in state court litigation over harassment and compensation claims.

### ***Sullivan v. Advanced Equities Inc. ("AEI")***

FINRA Arbitration

CPM successfully represented an employee in FINRA arbitration. The FINRA panel found that the employer had falsely accused the employee of violations of company policy and had fraudulently induced the employee to join the company, and awarded both compensatory and punitive damages. This is one of many examples of cases CPM has handled before FINRA.

## **News**

CPM Appointed Lead Counsel in Class Action Case Protecting Healthcare Professionals  
03.11.2021

CPM Investigates Anticompetitive Practices in the Home-Health Care Industry Affecting Employees  
04.22.2020

Judge Allows CPM's Clients' Allegations of DWR's Corruption, Discrimination, and Harassment related to the Oroville Dam Crisis to Move Forward  
03.14.2019

Plaintiffs (CPM clients) file opposition to Motion to Strike in ongoing litigation over February 2017 Oroville Dam crisis  
02.01.2019

CPM Helps Former City Attorney, Randolph Hom, Begins Process for Multimillion Dollar Lawsuit for Unlawful Discharge Against City of Cupertino  
10.22.2018

CPM Partner Justin T. Berger Will Be Featured on CBS's New Primetime Series, "Whistleblower"  
07.17.2018

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Oroville Dam: Judge to determine where cases will be heard (CPM represents plaintiffs)  
*Enterprise-Record*, 06.29.2018

CPM Files Lawsuit Against Hyperloop One for Retaliation and Assault  
07.12.2016

CPM Client Former City Attorney for the City of Milpitas Files Complaint for Unlawful Termination  
02.16.2016

CPM client former city attorney files legal claim against Milpitas alleging he was fired out of retaliation  
*San Jose Mercury News*, 2015

CPM Achieves \$6.5 Million Settlement in Lowe's Employee Misclassification Case

CPM Prosecutes Silicon Valley Trial  
*The Recorder*, 10.17.2014

Settlement Details Regarding Lowe's Class Action Lawsuit  
07.29.2014

In CPM Class Action, Court Certifies Class Consisting of All Lowe's Installers in California Who Were Misclassified as Independent Contractors as Opposed to Employees  
08.19.2013

CPM Achieves \$39 Million Settlement in Wachovia Securities, LLC Litigation  
05.11.2009

## Publications

Vazquez 'Guidance' Throws Future Plaintiffs a Bone or 2  
*Daily Journal*, 05.09.2019

Punitive Damages: How Much Is Enough?  
*Civil Litigation Reporter*, Volume 20, Number 1 (Feb. 1998)