



## Eric J. Buescher

Partner

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**Eric Buescher** is a partner at Cotchett, Pitre & McCarthy, LLP where he works on fraud cases as well as water and land use litigation. Eric focuses on the federal and California False Claims Acts, financial elder abuse, and complex mass torts actions, representing whistleblowers who expose large-scale corporate fraud, and the victims of large-scale corporate fraud. Eric also advocates for public rights to use and access open spaces including the protection of access to California's beaches under the California Coastal Act.

Eric represents both whistleblowers and employees in *qui tam* suits in a wide range of federal and state False Claims Act suits. His clients have ranged from founders of healthcare start-up businesses trying to compete against unfair and fraudulent practices to employees terminated for trying to stop fraudulent practices in their own workplaces. He has worked on cases involving fraud in healthcare, energy, software, and information technology.

Eric also represents consumers and victims of financial elder abuse and large scale fraud and tortious conduct. Eric has worked with seniors to unwind complex financial transactions that jeopardized their homes and on behalf of the families of seniors whose estates were stolen or diverted. Eric also works on mass tort cases, representing dozens or hundreds of victims of wide scale wrongdoing, ranging from real estate fraud to victims of floods.

In Eric's work to protect the public's rights to use, access, preserve, and protect open spaces, especially California's beaches, he successfully represented Surfrider Foundation in a lawsuit over beach access at Martins Beach under the California Coastal Act, through trial and

### Office

San Francisco Airport Office  
Center  
840 Malcolm Road  
Suite 200  
Burlingame, CA 94010

### Practice Areas

California Insurance Fraud  
Prevention Act

Elder Abuse

Environmental Law

False Claims / Whistleblower Law

Land Use and Coastal Public  
Access

Water Law

### Education

Duke University, B.A., 2005

Georgetown University Law  
Center, J.D. 2010

### Clerkships

Interned for Magistrate Judge  
John M. Facciola of the United  
States District Court for the  
District of Columbia

### Admissions

California

All Federal Courts in California

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appeal. In addition, Eric has worked on trial and appellate matters over implied dedication, in litigation under the Clean Water Act, and in lawsuits seeking accountability for the harmful impacts of pollution in California.

Eric graduated from Duke University in 2005 with a B.A. in Political Science. He received his J.D. from Georgetown University Law Center in 2010. Prior to law school, he worked in Washington, DC on complex legal research projects, including locating historical source materials at the Library of Congress. Eric is a member of the San Mateo County Trial Lawyers Association and Consumer Attorneys of California.

Eric was selected as a “Rising Star” in Northern California each year from 2012 to 2020. In addition, Eric has twice been selected as a member of The National Trial Layers Top 40 Under 40 in California.

United States Supreme Court  
4th Circuit Court of Appeals  
9th Circuit Court of Appeals  
Washington, DC

## Honors & Recognitions

Super Lawyers Northern California Rising Star (2012 - 2020)

National Trial Lawyers Association Top 40 Under 40 (2016, 2017)

## Affiliations

San Mateo Trial Lawyers Association, Member

Consumer Attorneys of California, Member

## Experience

### Representative Matters:

- In 2013, Surfrider Foundation filed a lawsuit over the closure of public access at Martin’s Beach near Half Moon Bay. Eric was the lead attorney at trial and on appeal, with Surfrider prevailing at each step, culminating in the U.S. Supreme Court’s 2018 denial of the owner’s petition for cert. The case resulted in a court order requiring historical access to remain available at Martin’s Beach and a published California Court of Appeal decision protecting the public’s access to the California coast.

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- Eric was one of the lead attorneys' representing individual condominium owners in the Millennium Tower litigation. The lawsuits were filed when reports that the luxury high-rise was sinking and tilting came to light. The plaintiffs alleged the developer knew about the issue yet did not disclose it to purchasers, and that the neighboring development of the Transbay Terminal had contributed to the problem. The suit involved more than 250 unit owners, the HOA, the developers of the Millennium Tower and three neighboring structures, and over a hundred cross-defendants and insurers. In 2020, the parties reached a global settlement agreement.
- CPM represented a whistleblower in a series of cases in states around the country resulting in a total recovery of over \$300 million as well as a decision by Virginia's Supreme Court about the rights of whistleblowers. Eric was the lead attorney on the appeal, arguing that the award to the whistleblower that is provided for under Virginia's false claims act had been miscalculated and underpaid. As a result of the decision, the amount our client recovered more than doubled.
- Eric was counsel for a whistleblower alleging fraud by a diagnostic laboratory for providing kickbacks to physicians in violation of the False Claims Act. In denying the defendant's motion to dismiss, the federal court held that a diagnostic laboratory provides a illegal kickback in violation of the false claims act when it agrees with a physician to waive the doctor's patient's copayments and deductibles. The suit ultimately resulted in a settlement in excess of \$25 million.
- Eric represented two employees of a non-profit entity providing mental health services to some of California's most disadvantaged and troubled youth. The suit alleged the facility was not providing the care that was required by law. The suit was settled on behalf of six California counties as well as the qui tam plaintiffs for \$3.25 million.
- Eric was one of a team of trial attorneys on behalf of a family of an 89 year old victim of financial elder abuse. In the final months of his life, "Uncle Rudy's" neighbor hatched a scheme to obtain his estate when he died. The neighbor's plan was uncovered when he claimed to have discovered an amended will and trust in the trash can several days after Uncle Rudy passed away. At trial, a unanimous verdict determined that the neighbor had engaged in elder abuse. The case resulted in the return of the Uncle's estate, valued at over \$1.5mm, as well as a damages and attorneys' fees award of over \$900,000.
- Eric was lead counsel in a case on behalf of two seniors who alleged their son's girlfriend had fraudulently borrowed nearly \$1.5mm in their name and secured by the home in San Bruno where they had lived for decades. The suit alleged the title company had conspired with the girlfriend, and had allowed the loans to go through despite the victim writing "under duress" on the signature page of the agreements while present in the title company's office. The case settled favorably allowing the clients to stay in their home and recover their losses.
- Eric represented a class of victims in a suit against an oil company for underpayment of contractual royalties. The lawsuit was certified as a class in California's courts and was eventually settled for \$10,000,000.

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- Eric has also represented numerous individual employees in claims related to wrongful termination, harassment, discrimination, and retaliation.

## News

CPM Garner \$28 Million Settlement in Major Whistleblower Suit Against Boston Heart Diagnostics  
01.20.2020

CPM Environmental Justice Attorneys Represent Environmental Protection Groups in Salt Ponds Complaint vs. EPA  
09.24.2019

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

Supreme Court denies cert in Martins Beach Public Access Dispute in victory for CPM  
2018

Federal Judge Rules that CPM Client's Whistleblower Suit Against Boston Heart Diagnostics May Proceed  
09.12.2018

CPM Continues to Defend Ruling to Open Martins Beach on Behalf of Client Surfrider Foundation  
06.13.2018

Appeals Court Affirms Landmark Ruling Won by CPM Ordering Martins Beach to Open to the Public  
2017

CPM client Burlingame family suing city over storm damage to home  
*ABC 7 News*, 07.15.2017

CPM Achieves Multimillion Dollar Settlement in Whistleblower Lawsuit Against Beauty School Chain  
In Elder Abuse Case Against Nursing Facility, CPM Seeks Justice for War Veteran

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CPM Files First In The Nation Class Action Against Samsung For Exploding Samsung Note 5, S6 And S7 Series Phones  
11.02.2016

Multiple CPM Litigators Recognized as Northern California Super Lawyers 2016  
07.19.2016

CPM Files Lawsuit Against Hyperloop One for Retaliation and Assault  
07.12.2016

Judge Allows CPM Client's Whistleblower Case Against BP to Proceed  
08.17.2015

CPM Achieves Unanimous Jury Award for Small Business Owner  
08.05.2015

Multiple Cotchett, Pitre & McCarthy Lawyers Honored as Super Lawyers For Northern California  
07.16.2015

\$75.5 Million Settlement In CPM Client's Whistleblower Lawsuit Against VMware, Inc.  
06.30.2015

VMware and Carahsoft to Pay \$75.5 Million to Settle False Claims Charge Brought by CPM Whistleblower Client  
*Corporate Crime Reporter*, 06.30.2015

CPM Environmental Law Group Achieves Victory for Public in Fight for Access to Martin's Beach  
After CPM's Two-Year Fight, Judge Orders Vinod Khosla to Open the Gates to Martin's Beach Immediately  
12.05.2014

Final Decision Entered in Favor of CPM Client Plaintiff Surfrider Foundation to Open Martin's Beach  
11.12.2014

The Colbert Report Has a Special on Martin's Beach  
2014

New California Law Forces Public Access Road to Martin's Beach  
*Bay City News*, 10.01.2014

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CPM Wins Trial to Reopen Martin's Beach  
09.24.2014

Court Allows CPM Client's Whistleblower Case Against Walgreens to Proceed

CPM Environmental Group Continues Fight for Public Access to Martin's Beach

Unanimous Jury Award for CPM Client

Martins Beach trial ends, judge has 90 days to issue ruling  
*San Francisco Chronicle*, 07.16.2014

Martins Beach fight heads to state Capitol  
*San Francisco Chronicle*, 05.27.2014

Martins Beach trial leads to the coast  
*San Francisco Chronicle*, 05.16.2014

San Mateo County Judge Takes Tour of 'Martins Beach'  
*ABC 7 News*, 05.15.2014

Billionaire Vinod Khosla Dodges Questions in Private Beach Trial  
*Forbes*, 05.13.2014

Billionaire Vinod Khosla Must Appear in Court Over Martin's Beach Lawsuit, Judge Rules  
*Forbes*, 05.09.2014

Trial begins in suit that's roiling waters over Martins Beach access  
*San Francisco Chronicle*, 05.08.2014

Legal showdown over Vinod Khosla's Martins Beach postponed till Wednesday  
*San Mateo County Times*, 05.05.2014

Silicon Valley Billionaire Vinod Khosla Won't Testify in Half Moon Bay Beach Battle  
*NBC Bay Area*, 05.01.2014

CPM Wins Elder Abuse Jury Trial In San Mateo County Superior Court  
04.2014

Surfers sue over blocked beach access  
*San Francisco Chronicle*, 02.21.2014

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Multiple CPM Lawyers Named to Super Lawyers Annual List for Northern California  
07.24.2013

CPM Files Lawsuit on Behalf of the Surfrider Foundation to Restore Public Access to Martin's Beach  
03.12.2013

## Publications

No Legal Immunity for COVID-19 Malfeasance  
*San Mateo Daily Journal*, 06.08.2020

Fighting Financial Elder Abuse In California  
*Inside the Minds: Elder Law Client Strategies in California*

Financial Elder Abuse  
*Inside the Minds: Elder Law Client Strategies in California*, 09.03.2014

## Blog Posts

CPM Wins in Whistleblower Award Decision in Virginia Supreme Court  
*Advocates for Justice*, 08.29.2018

Ninth Circuit Overturns Dismissal Of False Claims Case Against Gilead, Clarifies Types Of Falsity That Give Rise To Liability  
*Advocates for Justice*, 07.17.2017

Proposition 218, Conservation, and Tiered Water Rates  
*Advocates for Justice*, 03.23.2017

An Address Like No Other – The Millennium Tower Litigation  
*Advocates for Justice*, 03.15.2017

Mylan Business Practices Harm Consumers, Insurers and the Government  
*Advocates for Justice*, 10.17.2016

Seventh Circuit Holds Medicare Part D is Entitled to Lower Prices Offered by Pharmacies to Patients under Discount Programs  
*Advocates for Justice*, 06.21.2016

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No Obstinacy, No Madness, and No Plaintiff “Pick Offs” Pre-Class Certification  
*Advocates for Justice*, 04.12.2016

Appellate Brief Filed in Surfrider Foundation’s Lawsuit to Restore Public Access to Martins Beach  
*Advocates for Justice*, 03.30.2016

Ninth Circuit Limits Public Disclosure Defense  
*Advocates for Justice*, 03.16.2016

Court of Appeal Limits Public Disclosure Defense under the California False Claims Act  
*Advocates for Justice*, 03.08.2016

False Claims Act Prosecutions of Fraudulent Provision of Nursing Home Rehabilitation Continue to Increase  
*Advocates for Justice*, 03.04.2016

New Year, New Rules: Changes to California Code of Civil Procedure  
*Advocates for Justice*, 02.09.2016

New Study Highlights Unfairness of Mandatory Arbitration  
*Advocates for Justice*, 02.08.2016

“Proceeds” Means Proceeds: Relators Are Entitled to a Share of All Taxpayer Money Recouped Through False Claims Act Lawsuits  
*Advocates for Justice*, 01.09.2016

Judge Allows Whistleblower Case Against BP to Proceed  
*Advocates for Justice*, 08.17.2015

Unanimous Jury Award for CPM Client  
*Advocates for Justice*, 08.12.2015

\$75.5 Million Settlement In Whistleblower Lawsuit Against VMware, Inc.  
*Advocates for Justice*, 06.30.2015

Partial Intervention Under the California False Claims Act  
*Advocates for Justice*, 06.29.2015

Victim Blaming is Never Okay – CPM Agrees with Former Irish President on Problematic Coverage of Balcony Collapse Tragedy  
*Advocates for Justice*, 06.18.2015



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CPM Attorneys Niall McCarthy and Eric Buescher publish chapter on Financial Elder Abuse in “Inside the Minds: Elder Law Client Strategies in California”

*Advocates for Justice*, 05.18.2015

Judge Orders Vinod Khosla to Open the Gates to Martin's Beach Immediately

*Advocates for Justice*, 12.05.2014

6th Circuit Says FCA Only Protects Whistleblowers in “Employmentlike Relationships”

*Advocates for Justice*, 11.26.2014

Coastal Use and Beach Access Rights in California: Lessons of Martin's Beach

*Advocates for Justice*, 10.29.2014