



Justin T. Berger

Partner

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Justin T. Berger is a Partner at Cotchett, Pitre & McCarthy, LLP, where he handles high-profile cases of corporate fraud, including representing whistleblowers in *qui tam* actions under the federal and California False Claims Acts, individuals who have been wrongfully terminated by their employers, and consumers who have been ripped off. Justin handles complex cases across California and around the country.

Justin has been recognized as one of California's top litigators. Justin has twice received a California Lawyer Magazine Attorney of the Year (CLAY) Award, and in 2019 was named Consumer Attorney of the Year by the Consumer Attorneys of California. Earlier in his career, he was listed by the Daily Journal as one of the "Top 40 Under 40" attorneys in California, and in The Recorder's "Lawyers on the Fast Track," as one of the top 50 attorneys in California with less than 10 years of practice. Each year since 2013, Justin has been selected as a Northern California "Super Lawyer" by San Francisco Magazine, and from 2009 to 2012, was named as a "Rising Star."

Justin is active in the community, currently serving on the Board of Directors of the San Mateo County Bar Association. He is also the current Board President of Housing and Economic Rights Advocates (HERA), an Oakland-based non-profit serving working class Californians facing economic hardships. For his mentorship of newer and aspiring attorneys in the community, Justin was recently honored with the San Mateo County Bar Association Barristers Award.

"Berger has developed a reputation for handling complex litigation on behalf of employees and consumers. He represents employees in high-stakes whistleblower litigation and has helped his clients win some of

Offices

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

Los Angeles/Santa Monica
2716 Ocean Park Blvd.
Suite 3088
Santa Monica, CA 90405

Practice Areas

False Claims / Whistleblower Law
California Insurance Fraud
Prevention Act
Employment Law
Elder Abuse
Consumer Protection Class
Actions
Commercial Litigation
Retaliation and Whistleblower
Protection
Wage & Hour Violations
False Claims Act

Education

University of California, Berkeley
School of Law, J.D., 2006
Yale University, B.A.

JUSTIN T. BERGER

the largest recoveries in the history of the False Claims Act." -The Daily Journal

Justin also represents employees, homeowners and consumers in class actions, cases of financial elder abuse, wage and hour litigation, and other complex cases. In 2008, Justin was selected as a finalist for the 2008 Consumer Attorney of the Year Award by the Consumer Attorneys of California, for his work on *Komarova v. National Credit Acceptance*.

Justin received his Bachelor of Arts from Yale University, graduating Cum Laude, with Honors in the Major. He received his J.D. from the University of California, Berkeley School of Law. At Berkeley Law, Justin was a member of the California Law Review and the LAS-ELC Workers' Rights Clinic. In addition, through Berkeley Law's International Human Rights Law Clinic, Justin served on the trial team that successfully prosecuted the case *Yean and Bosico v. Dominican Republic* before the Inter-American Court of Human Rights.

Following law school, Justin clerked for U.S. District Court Judge Susan Illston of the Northern District of California.

Prior to law school, Justin served for two years as a United States Peace Corps Volunteer in Ecuador. Justin also served for a year as an AmeriCorps VISTA volunteer at Casa Cornelia Law Center, a non-profit immigration law firm in San Diego. Justin is fluent in Spanish.

Justin is a past-President of the San Mateo County Barristers. Justin is a member of the San Mateo County Bar Association, Consumer Attorneys of California, American Business Trial Lawyers, and the San Mateo County Trial Lawyers Association.

Honors & Recognitions

Consumer Attorney of the Year, Consumer Attorneys of California (2019)

- Cum Laude
- Honors in the Major

Clerkships

U.S. District Court Judge Susan Illston of the Northern District of California

Admissions

California

All Federal Courts in California

4th Circuit Court of Appeals

9th Circuit Court of Appeals

Languages

Spanish

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California Lawyer Magazine Attorney of the Year (CLAY) Award (2012, 2019)

California Daily Journal, "Top 40 Under 40" (2017)

Selected by The Recorder in 2012 as a "Lawyer on the Fast Track," one of the top 50 attorneys in California under 10 years of practice (2012)

Named a finalist for the 2011 Consumer Attorney of the Year Award by the Consumer Attorneys of California (2011)

Honored as a Northern California "Super Lawyer," by Northern California Super Lawyers and San Francisco Magazine (2013-2015), and "Rising Star" (2009-2012)

Named a finalist for the 2008 Consumer Attorney of the Year Award by the Consumer Attorneys of California (2008)

Community Involvement

Housing and Economic Rights Advocates (Board President, 2018-present)

San Mateo County Bar Association, Board Member (2020-present)

Northern California Peace Corps Association (Board Secretary, former)

San Mateo County Barristers (President, 2013-2014)

San Diego Peace Corps Association (Board Member, former)

Americorps-Vista Volunteer, Casa Cornelia Law Center (2002-2003)

United States Peace Corps Volunteer, Ecuador (1999-2001)

Affiliations

American Bar Association

California Bar Association

San Mateo County Bar Association

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Consumer Attorneys of California

American Business Trial Lawyers

San Mateo County Trial Lawyers Association

Million Dollar Advocates Forum

Taxpayers Against Fraud

Experience

Representative matters:

- In 2019, three former lead paint manufacturers agreed to pay \$305 million to ten California cities and counties—money that will save tens of thousands of low-income California children from lead poisoning. For his work on the case, Justin was named Consumer Attorney of the Year, along with Joseph W. Cotchett and Mary Alexander, by the Consumer Attorneys of California.
- Justin helped recover \$102 million for California taxpayers against BP, in a case under the California False Claims Act alleging that the oil company overcharged the State of California on purchases of natural gas. The case was brought on behalf of a terminated employee, Christopher Schroen.
- Justin represented four former employees of Hyperloop Technologies, Inc. (d/b/a Hyperloop One), former Chief Technology Officer Brogan BamBrogan, Dr. Knut Sauer, David Pendergast, and William Mulholland, in a lawsuit against the company and its CEO Robert Lloyd, Board Chair Shervin Pischevar, Board member Joseph Lonsdale, and former General Counsel Afshin Pischevar ([Click here for article](#)).
- Justin obtained \$11 million for taxpayers from Marinello Schools of Beauty in a *qui tam* action filed by six whistleblowers, former employees of Marinello. Based on overlapping allegations, the United States Department of Education denied Marinello's reapplication to receive federal student loan funds, forcing Marinello to close its doors. Prior to its closure, Marinello was one of the largest chains of for-profit beauty schools in the United States.
- Justin helped recover \$75.5 million for taxpayers from VMware, Inc., in a *qui tam* suit alleging misrepresentations to the federal General Services Administration (GSA). Justin was selected as a finalist for Consumer Attorney of the Year, along with Niall McCarthy, for his work on this case.
- Justin represented the campaign committees of United States Senator Dianne Feinstein and several other elected officials against Kinde Durkee—the “Bernie Madoff of campaign treasurers.” Durkee was sentenced to seven years in federal prison for embezzling millions of dollars from hundreds of campaign and political action committees.

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- Justin recovered \$19.4 million from Diagnostic Laboratories, Inc., the largest provider of laboratory and x-ray services to nursing homes on the West Coast, in a case brought by two whistleblowers under the False Claims Act.
- In 2011, Justin was selected as a finalist for Consumer Attorney of the Year along with Niall McCarthy, for their work in recovering a record \$300 million on behalf of the State of California in a case brought under the California False Claims Act against Quest Diagnostics and other medical laboratories.

News

As CPM Represents Pro Bono the City of San Jose, Supreme Court Rejects Trump Administration Attempt to Dismantle DACA
06.18.2020

After Years of Support from CPM, California Counties and Cities Announce Groundbreaking \$305 Million Settlement of Landmark Lead Paint Litigation
SF Chronicle, 2020

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

Doskocz v. ALS Lien Services: Additional Information for Potential Class Members
01.06.2020

CPM Garners \$1.4 Million Settlement in Whistleblower Suit Against San Diego Eye Doctors
01.03.2020

CPM Partners Justin Berger & Robert Hutchinson Will Be Featured on CBS's "Whistleblower"
06.10.2019

CPM Partners and Litigation Experts McCarthy & Berger Receive 2019 California Lawyer Attorney of the Year (CLAY) Award

United States Supreme Court Denies Defendant Paint Companies Review of Lead Paint Poisoning Case (Plaintiffs Represented by CPM)
10.15.2018

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

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CPM Client Retired Judge Files Lawsuit for Records of Trump, Jr. Private Business Trip
08.14.2018

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

CPM Achieves \$102 Million Settlement on Eve of Trial in Whistleblower Case Against BP
01.11.2018

With CPM Pro Bono Representation, Federal Judge Protects "Dreamers," Issues Injunction Against Trump Administration
2018

Daily Journal Selects CPM Partner Berger for 2016 Top 40 Under 40

CPM Helps Medical Laboratory Cases Move Towards Trial

CPM Achieves Multimillion Dollar Settlement in Whistleblower Lawsuit Against Beauty School Chain

CPM Achieves Class Action Settlement with ProSolutions, a Debt Collection Company

CPM Achieves \$11 Million Settlement in Whistleblower Lawsuit Against Beauty School Chain
08.15.2016

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

CPM Partner Justin Berger Selected to Top 40 Under 40 List
05.18.2016

Whistleblower Lawsuits filed under California, Illinois insurer fraud laws may increase
Modern Healthcare, 02.17.2016

Further Criminal Charges in CPM Whistleblower Case
11.24.2015

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

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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

Ringleader of Healthcare Fraud Conspiracy Arrested--Vindicates Actions of CPM Whistleblower Client
07.09.2015

\$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 Achieves \$48.5 Million Settlement in Whistleblower Lawsuit
04.09.2015

CPM Represents Whistleblowers in Major Student Loan Fraud Case

CPM Client Senator Feinstein Resolves Case with Bank

CPM Files Whistleblower Case, Alleging BP Overcharged California for Natural Gas, California Attorney General Joins Lawsuit

California A.G.'s Office Files Complaint Against BP in CPM Whistleblower Case
01.09.2015

California A.G.'s Office Joins Cotchett, Pitre & McCarthy's Whistleblower Case Charging BP in Natural Gas Ripoff
11.13.2014

Center for Investigative Reporting Covers CPM's Spinal Screw Case
11.03.2014

Unanimous Jury Award for CPM Client

Ringleader of Healthcare Fraud Scam Indicted Following CPM Lawsuit

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

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Bank settles for millions with plaintiff CPM client in California political fraud case
Washington Post, 07.17.2014

First California Bank of LA Agrees to Multimillion Dollar Settlement for CPM Client U.S. Senator Feinstein & Other CA Federal & State Lawmakers
07.16.2014

Fake Medical Equipment Scandal Ran Rampant: CPM Whistleblower Client
NBC Southern California, 02.25.2014

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

CPM Partners McCarthy and Berger Honored with 2012 California Lawyer of the Year (CLAY) Award
2012

Multiple CPM Attorneys Named to Super Lawyers 2011 List

CPM Achieves Largest False Claims Act Recovery in California History
05.2011

CPM Volunteers Help Build Playground in a Day
07.31.2010

Multiple CPM Attorneys Named to Prestigious Super Lawyers 2010 List

Blog Posts

Top 5 Healthcare Fraud Schemes: Upcoding and Misbilling (Part 3)
Advocates for Justice, 09.10.2020

Top 5 Healthcare Fraud Schemes: Upcoding and Misbilling (Part 2)
Advocates for Justice, 08.14.2020

Top 5 Healthcare Fraud Schemes: Upcoding and Misbilling
Advocates for Justice, 07.14.2020

The End Is Near for Another Clinical Laboratory Accused of Fraud: True Health Diagnostics
Advocates for Justice, 07.30.2019

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Whistleblower Law for Whistleblowers: A Practical Guide
Advocates for Justice, 08.15.2018

Whistleblower Law for Whistleblowers: A Practical Guide
Advocates for Justice, 06.27.2018

Whistleblower Law for Whistleblowers: A Practical Guide
Advocates for Justice, 06.14.2018

Whistleblower Law for Whistleblowers: A Practical Guide
Advocates for Justice, 06.11.2018

Whistleblower Law for Whistleblowers: A Practical Guide
Advocates for Justice, 06.04.2018

Whistleblower Law for Whistleblowers: A Practical Guide
Advocates for Justice, 05.31.2018

Fraud Trends In the Medical Laboratory Industry
Advocates for Justice, 05.08.2018

“Unclean Hands”? Whistleblowers Who Are Caught In the Thick of the Fraud
Advocates for Justice, 01.17.2018

Lyme Disease Testing: A Regulatory ‘Wild West’
Advocates for Justice, 01.11.2018

Genetic Tests: Regulation, Risk, and Reward
Advocates for Justice, 01.11.2018

Drug Addiction Rehabilitation Scams Profit Off of Addicts and Insurance
Advocates for Justice, 12.29.2016

Compounded Drug Fraud
Advocates for Justice, 09.27.2016

Senator Grassley Files Supreme Court Brief Advocating Broad Application of False Claims Act
Advocates for Justice, 03.04.2016

AB 1509 Expands California Whistleblower Protections to Family Members of Whistleblowers
Advocates for Justice, 02.08.2016

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Damages under Fair Debt Collection Practice Act Class Actions: The Damages Cap Applies Only to Statutory Damages

Advocates for Justice, 01.09.2016

“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

The Rooker-Feldman Doctrine and Absent Class Members in FDCPA Actions

Advocates for Justice, 01.09.2016

Further Criminal Charges in CPM Whistleblower Case

Advocates for Justice, 11.24.2015

Whistleblower Barred From Receiving Portion of \$322 Million Settlement

Advocates for Justice, 08.20.2015

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

Ringleader Of Healthcare Fraud Conspiracy Arrested

Advocates for Justice, 07.09.2015

\$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

Fraud in Government Procurement of IT and IT Services

Advocates for Justice, 06.25.2015

Fraud in For-Profit Education: Sufficient Particularity and Causal Connections

Advocates for Justice, 05.13.2015

Unsealed Cases Reveal \$461.5 Million Settlements in Health Care Fraud

Advocates for Justice, 05.05.2015

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\$48.5 Million Settlement in Whistleblower Lawsuit
Advocates for Justice, 04.09.2015

California Appellate Court Expands California Whistleblower Protections
Advocates for Justice, 04.03.2015

OIG Issues Advisory Opinion Regarding Free Laboratory Services
Advocates for Justice, 03.31.2015

Fraud in For-Profit Education
Advocates for Justice, 03.19.2015

“Public” Means Public
Advocates for Justice, 02.27.2015

“False Certification” Claims Under the California False Claims Act
Advocates for Justice, 02.21.2015

Sacramento-Based District Court Rules In Plaintiffs’ Favor In False Claims Act Case
Advocates for Justice, 02.09.2015

Another Circuit Endorses “Implied Certification” Theory of FCA Liability
Advocates for Justice, 01.28.2015

Blowing The Whistle On Procurement Fraud Under The California False Claims Act
Advocates for Justice, 01.20.2015

California A.G.'s Office Files Complaint Against BP in CPM Whistleblower Case
Advocates for Justice, 01.09.2015

Medicare Fraud in the Hospice Industry
Advocates for Justice, 01.02.2015

CPM Whistleblower Suit Against Southern California Hospitals May Proceed
Advocates for Justice, 12.16.2014

6th Circuit Says FCA Only Protects Whistleblowers in “Employmentlike Relationships”
Advocates for Justice, 11.26.2014

California Attorney General Joins Cotchett, Pitre & McCarthy in Whistleblower Case Against BP
Advocates for Justice, 11.13.2014

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“The Outsiders”: New Ninth Circuit Ruling on the Public-Disclosure Bar and Original Source Exception
Advocates for Justice, 11.11.2014

Newly Published Ninth Circuit Case Non-Controversial, Despite Abortion-Debate Undertones
Advocates for Justice, 11.04.2014

Center for Investigative Reporting Covers CPM's Spinal Screw Case
Advocates for Justice, 11.03.2014

Dodd-Frank Whistleblower Program Continues to Thrive As Courts Debate Extent of Protections
Advocates for Justice, 10.29.2014

Pleading Requirement Typically Relaxed in California FCA Cases
Advocates for Justice, 10.04.2014

FERA Amendments to the California False Claims Act
Advocates for Justice, 09.28.2014