



Mark C. Molumphy

Partner

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Mark C. Molumphy, a partner at Cotchett, Pitre & McCarthy, LLP, is a native of the Bay Area, born in San Mateo, California.

Mark joined CPM in 1993, practicing civil litigation with an emphasis on complex business disputes, securities, antitrust, insurance bad faith, and products liability.

Mark was presented the Community Service Award by the Jack Berman Advocacy Center of the American Jewish Congress for his work on the landmark 101 California Shooting Litigation. Mark was also a finalist for the Consumer Attorneys of California Attorney of the Year award in 2014, based on his work as lead counsel for a nationwide class of investors in Medical Capital, which operated a massive Ponzi scheme. Mark helped to secure over \$173 million in settlements, the largest Ponzi scheme recovery in California history. Mark has consistently been selected as one of the Top 100 lawyers in Northern California by Super Lawyers.

Mark has extensive experience as lead counsel in major consumer and investor fraud class and derivative actions, and currently serves a lead or co-lead counsel in the *In re Apple Inc. Device Performance Litigation* (iPhone throttling), *In re Facebook Inc. Shareholder Derivative Privacy Litigation* (Cambridge Analytica data breach), and *In re Wells Fargo & Co. Derivative Litigation* (fictitious accounts and sales practices). Mark also currently serves as counsel for investors of BP, relating to losses suffered from the Gulf of Mexico disaster. He previously served as lead counsel in the Medical Capital class action, resulting in one of the largest Ponzi scheme settlements in United States history, as well as other mega-class actions, including *Smith v. Merrill Lynch* (Orange County Bond

Office

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

Practice Areas

Commercial Litigation
Municipal & Public Entity
Litigation
Privacy & Intellectual Property
Securities / Financial Fraud
Shareholder Rights / Corporate
Governance

Education

University of California, Berkeley,
B.S. (1989)
International Relations &
Economic Studies, Edinburgh
University, Edinburgh, Scotland
University of San Francisco,
School of Law, J.D. (1993)

Admissions

California
California Supreme Court
United States Supreme Court
Ninth Circuit Court of Appeals
Northern, Eastern, Central and

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Litigation), *Estate of Jim Garrison v. Warner Bros. Inc.*, *Campbell v. Acclaim Entertainment, Inc.*, *In re Pilgrim Securities Litigation*, *Informix*, and *Central Bank*. Mark also negotiated multi-million dollar settlements on behalf of former shareholders of Bay Meadows Race Track and mutual fund shareholders of Janus. Mark served as lead counsel in the Freddie Mac preferred shareholder securities litigation, following the government's historic takeover in 2008, and represented numerous cities and counties in California related to their investment losses in Lehman Brothers, Washington Mutual and AIG, amongst others.

Southern Districts of California

Mark also served as lead counsel in several groundbreaking derivative actions, including: *Oracle*, where he successfully urged the federal court to invalidate a forum selection clause inserted into corporate bylaws without shareholder approval--an issue of first impression; *PG&E*, arising from the San Bruno gas line explosion and resulting in one of the largest cash and governance reform settlements in California history; and *HP*, relating to its acquisition of Autonomy. His work has resulted in the recovery of hundreds of millions of dollars and the implementation of novel governance reforms for the companies and their shareholders.

Mark is active in *pro bono* work and community affairs. He served on the Board of Directors and currently serves as a volunteer for the Legal Aid Society of San Mateo County, which provides free legal services to low-income children, families and seniors. He also has been appointed counsel by the Federal Court as part of the court's *pro bono* program. Mark also serves on the Board of Bay Scholars, which provides financial and personal support to low-income Bay Area students, access to private college prep education, and assistance in enrolling in college.

In September 2007, Mark and CPM were honored with the "Angel Award" by the Parca Auxillary, a private nonprofit organization that serves people with developmental disabilities and their families in the Bay Area. See Parca Auxiliary Press Release PDF.

Mark is also very active in local county and federal bar associations. He was selected by the San Mateo County Superior Court to serve on Court's complex court committee which helped open a new complex courthouse and draft initial rules and forms used in the County's

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complex department. He is also a lifetime member of the San Mateo County Bar Association and past President of both the County Bar's Barrister's Committee and Business Litigation Committee. He is currently on the Board of Governors of the Association of Business Trial Lawyers. He is also an active member of the Northern District of California's Chapter of the Federal Bar Association, and the national association's Access to Justice Task Force, which endeavors to ensure equal and fair access to the legal system.

Mark is a frequent speaker on complex litigation and co-authored "Punitive Damages: How Much Is Enough?" Civil Litigation Reporter, CEB, 1998. He also has appeared as a panelist on programs, including "Strategic Tips For Successfully Propounding and Opposing Written Discover," "Punitive Damages: Maximizing your Client's Success or Minimizing Your Client's Exposure," "Developments in Class Action Litigation," and "FDA 2009 - Key Issues Facing Life Sciences Companies."

Honors & Recognitions

Community Service Award by the Jack Berman Advocacy Center of the American Jewish Congress for work on the landmark 101 California Shooting Litigation (1996)

Parca's Angel Award (2008)

Top 100 Northern California Super Lawyers (2015, 2016, 2017, 2018, 2019)

Consumer Attorneys of California Attorney of the Year Finalist (2014)

Irish Legal 100

Community Involvement

Legal Aid Society of San Mateo County, Board of Directors and Volunteer

Affiliations

American Bar Association

State Bar of California

Association of Business Trial Lawyers

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Association of Trial Lawyers of America

University of San Francisco Inns of Court

San Mateo County Bar Association

Court Appointed Arbitrator for the County of San Mateo

Legal Aid Society of San Mateo County

Federal Bar Association

News

Cotchett, Pitre & McCarthy, LLP Files Lawsuit on Behalf of Justice John Trotter (Ret.), Trustee of the PG&E Fire Victim Trust, Against Certain PG&E Officers and Directors
02.24.2021

CPM Helps Android Device Users Sue Google and Alphabet for Antitrust Violations
10.21.2020

Judge Preliminarily Approves Historic Payment of Up to 500 Million Dollars As CPM Aids Apple iPhone Consumers Impacted By Software Slowdowns
2020

CPM Helps Victims of Bay Area Retirement Planner by Suing for Involvement With Major Ponzi Scheme
05.07.2020

Cotchett, Pitre & McCarthy's Securities Practice Ranked Amongst Top 10 Firms In North America
03.13.2020

CPM Helps Apple iPhone Consumers Impacted by Software Throttling Reach Historic Settlement
02.28.2020

CPM Helps Earth Island Institute Take on Big Plastic
SF Chronicle, 2020

YAHOO SETTLEMENT NOTICE

CPM Partners McCarthy, Molumphy & Murphy Named to the Irish Legal 100
11.28.2018

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Judge Appoints CPM Founder Joe Cotchett as Co-Lead Counsel in the Apple Device Battery Throttling Case

05.15.2018

CPM Files Shareholder Lawsuit Against Facebook Directors Following Massive Data Breach Impacting 50 Million Facebook Users

03.22.2018

CPM Files Lawsuit Against Wells Fargo Officers and Directors Relating to Auto and Home Loan Practices

09.05.2017

INTUITIVE SURGICAL SECURITIES LITIGATION NOTICE OF SETTLEMENT

PG&E DERIVATIVE LITIGATION NOTICE OF SETTLEMENT

CPM Client Shareholders File Opposition To Wells Fargo Motion Regarding Illegal Sales Practices, Ask For Case To Move Forward On Its Merits

04.26.2017

CPM Secures \$90 Million Settlement in PG&E San Bruno Explosion Case

04.21.2017

CPM Files Shareholder Lawsuit After Yahoo Senior Executives Fail to Disclose Russian Hacks of Customer Accounts

03.16.2017

CPM Files Lawsuit Against Yahoo! Executives and Verizon Relating to Massive Data Breaches

03.08.2017

CPM Files Lawsuit Against Wells Fargo Executives and Board Members for Creation of Over 2 Million Phony Accounts which Defrauded Consumers

09.22.2016

Multiple CPM Litigators Recognized as Northern California Super Lawyers 2016

07.19.2016

After Considering CPM Argument, Court Orders JPMorgan, Jamie Dimon, to Produce Emails in Shareholder Derivative Case

09.21.2015

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Court Orders PG&E Directors to Answer, Allowing CPM Client Shareholders' Suit to Proceed
08.28.2015

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

Federal judge pushes Hewlett-Packard to resolve Autonomy lawsuit
San Francisco Chronicle, 03.16.2015

CPM's Consolidated Shareholder Derivative Lawsuit Moves Ahead Against PG&E Officers and Directors

CPM Helps Fedex Shareholder Sue Over the Illegal Delivery of Online Pharmaceuticals

CPM Pursues Google, Apple & Intel Litigation Involving Alleged Breach of Duties by Boards

CPM Prosecutes Silicon Valley Trial
The Recorder, 10.17.2014

Update: FedEx Faces Criminal Penalty for the Illegal Delivery of Online Pharmaceuticals

CPM Files Investors' Action Against Oportun Financial Corp.

CPM Files Consolidated Shareholder Derivative Lawsuit Against PG&E Officers And Directors
2013

CPM Files Complaint on Behalf of PG&E Against Its Officers and Directors for Breach of Their Fiduciary Duties
09.23.2013

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

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

CPM Helps Investors Reach Landmark Settlement with Wells Fargo in Medical Capital Ponzi Scheme Actions
04.30.2013

CPM Appointed Lead Counsel for Securities Derivative Action In HP-Autonomy Deal
2013

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Court Allows CPM's BP Securities Lawsuit to Move Forward
02.06.2013

CPM Files Derivative Complaint on Behalf of HP Shareholder Against HP Board of Directors
12.19.2012

CPM's California Investors' Lehman Collapse Suit Moves Forward
10.15.2012

CPM Named as Super Lawyers 2012

Multiple CPM Attorneys Named to Super Lawyers 2011 List

Multiple CPM Attorneys Named to Prestigious Super Lawyers 2010 List

Publications

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

Blog Posts

Defrauded Investors May Lose Their Right to Recovery: Trump Administration Pushes for Regulatory Changes that Would Allow Companies to Avoid Securities Class Actions Through the Use of Mandatory Arbitration Agreements
Advocates for Justice, 07.16.2018

Supreme Court Upholds Right to Bring Securities Act Class Actions in State Court
Advocates for Justice, 03.26.2018