

## Elder Abuse

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CPM is one of the foremost law firms in the nation in representing senior citizens victimized by physical or financial abuse. Elder abuse is a serious and growing problem, especially with the baby boom generation entering retirement. In recognition of this problem, California has a unique law providing enhanced protections against elder abuse. CPM has successfully brought dozens of lawsuits under the statute. The firm has been highly successful in actions on behalf of seniors who have been seriously injured in nursing homes, and seniors who have been defrauded into purchasing unsuitable financial products.

CPM receives inquiries each week from family members concerned with the devastating problem of elder abuse. CPM has ongoing cases and investigations into the physical and financial abuse of senior citizens. The firm has handled many different types of elder abuse cases, such as actions arising out of deaths of three elderly people who went without care when temperatures reached 100-plus degrees in their nursing home.

If you would like to discuss your potential or pending elder abuse case, please follow up with Niall McCarthy or Anne Marie Murphy.

### Noteworthy Cases

#### ***Kofman v. Alexy (“Alex”) Pitt, Lucrazon, Netvence et al.***

San Mateo Superior Court

On February 14, 2017, CPM obtained a \$1,295,579 dollar judgment on behalf of an elderly Bay Area resident who was the victim of financial elder abuse. As detailed in the Complaint, Mr. Kofman lost every penny of his carefully saved retirement funds—in total over \$1 million—in a merciless scam. Over the past fifteen years, Defendant Alexy Pitt has left in his wake a series of failed business ventures which have harmed employees and investors alike. As alleged in the complaint, while running an MLM – pyramid scheme scam Pitt and Lucrazon used Mr. Kofman as a

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personal piggy bank going so far as to fly the elderly Kofman down to Irvine when they needed more money. In response to Mr. Kofman's pleas for repayment Mr. Pitt told Mr. Kofman "Donald Trump says you need to withstand pressure to be successful in business." Mr. Kofman pursued the case not just in the hopes of recovering some portion of his retirement funds but also with the hope of protecting others who could fall prey to Mr. Pitt.

### ***Richter et al. v. CC-Palo Alto, Inc.***

USDC, Northern District of California

CPM is pursuing a class action complaint on behalf of the 500 residents of the Vi-Palo Alto, a Continuing Care Retirement Community (CCRC). Among CPM's clients (the proposed class representatives) are a retired Nobel Prize winner, a doctor, a World War II journalist, and a unique collection of accomplished South Bay senior citizens. The facility is located on Stanford land. The lawsuit is believed to be the first of its kind in the Bay Area challenging a CCRC's financial practices. The complaint alleges that \$190 million dollars was "up-streamed" from the Palo Alto facility to its corporate parent in Chicago, thus leaving the senior citizen residents financially vulnerable. Those funds were to be returned to the senior citizens when they moved out, or returned to their families when they passed away. The complaint alleges that the Chicago company has refused to return the money to Palo Alto.

### ***Shook v. LaFarre***

San Mateo County Superior Court

In April 2014, CPM won an elder abuse jury trial in San Mateo County Superior Court. CPM represented a family in a dispute about the estate of longtime San Francisco resident Rudolph R. Cook. CPM alleged that the defendant Cyrus LaFarre, a neighbor of Mr. Cook, had duped Mr. Cook into amending his estate plan and giving his money to Mr. LaFarre. After Mr. Cook passed away in March 2013, the family learned that Mr. LaFarre claimed that he had been left the majority of Mr. Cook's estate and had been named as the trustee of Mr. Cook's trust. The amendment to Mr. Cook's longtime estate plan was procured in August 2012, and purported to give most of Mr. Cook's \$2M estate to the defendant. The case was difficult, as Mr. Cook had passed away and much of the financial records and other documents had been destroyed. Despite that difficulty, the jury unanimously determined that Mr. LaFarre had committed financial elder abuse.

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### ***Olt v. Albert Moriarty et al.***

San Luis Obispo County Superior Court

CPM along with co-counsel at the Ernst Law Group, represents a 70 year old widowed school teacher in an action for financial elder abuse against individuals involved in an alleged Ponzi scheme to take seniors' retirement funds. As alleged in the complaint, Albert ("Al") Moriarty and his business Moriarty Enterprises conned the plaintiff out of her retirement savings by claiming that money borrowed would be used to make loans to school teachers and would be returned with 10% interest. Since CPM filed the complaint in August 2012, Al Moriarty has been arrested with a criminal complaint filed against him after investigation by the San Luis Obispo County District Attorney's Office and California Department of Corporations, with help from the FBI and the California Department of Insurance.

### ***Pauline Gogol v. Mills-Peninsula Health Services d/b/a Mills-Peninsula Skilled Nursing***

San Mateo Superior Court

In July 2012, CPM won a \$1,844,400 jury verdict after a two week trial on behalf of an 86 year old resident of San Mateo County who was injured in a nursing home. The jury also made a finding of clear and convincing evidence of recklessness, oppression, fraud or malice for an additional award of attorneys fees and punitive damages. Ms. Gogol was recovering from a hip replacement at defendant's nursing home when she was dropped, breaking her recently replaced hip. She was placed back in bed without the injury being reported. Due to her cognitive impairment, she had no memory of how her injury occurred. She received treatment only after a family member discovered her injuries. The case settled before the punitive damage phase of the trial.

### ***Pauline B. Reade v. Fetuu Tupofutuna, et al.***

San Mateo County Superior Court

CPM and The Legal Aid Society of San Mateo County provided *pro bono* representation to a 89 year old elderly widow, Pauline Reade, who was bilked out of nearly \$600,000. Ms. Reade faced foreclosure on her Pacifica home after a scam contractor tricked her into signing loan documents with various banks and mortgage entities. The action was filed to stop the sale against various individuals and entities involved in the loan transaction, including RBS Financial Products, Inc., Deutsche Bank National Trust Co., GMAC

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Mortgage, LLC, Mortgage Electronic Registration Systems, Inc. Executive Trustee Services, Paul Financial, Fetuu Tupoufutuna, and Mohammed Ali George.

### ***Snyder v. Menon et al.***

Marin County Superior Court

Action against lender, title company and individuals for fraud and elder abuse based upon the fraudulent inflation of the purchase price of a property the plaintiffs sought to purchase.

### ***Foroudian v. Wilson et al.***

San Mateo County Superior Court

Action for fraud and elder abuse against title company, hard money lenders, Plaintiffs' son and his ex-girlfriend for fraud and elder abuse resulting in Foroudians incurring \$2M in debt for the benefit of defendants.

### ***Rodriguez v. Res-Care, Inc. et al.***

San Mateo County Superior Court

CPM filed an elder abuse case against ResCare on behalf of a victim who suffered second and third degree burns when she was put in a shower for 20 minutes with scalding, 130 to 135-degree temperature water. The suit also seeks punitive damages and funding for future care. The case settled in 2008.

### ***Coleman v. Wright et al.***

San Mateo County Superior Court

Action for fraud and elder abuse against lenders and brokers who perpetrated and assisted fraudulent "foreclosure assistance" scam to steal the home of the plaintiffs.

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### ***Berry v. Assurity Life Insurance et al.***

San Joaquin County Superior Court

Action for elder abuse and breach of fiduciary duty for recommending and selling inappropriate investment vehicles and annuities.

### ***Shekhter v. Greengables Villa Care Home et al.***

Alameda County Superior Court

Action for elder abuse against adult care facility for neglect and physical abuse in connection with the care of 94 year old woman.

### ***Platon v. A&C Health Care Services***

Santa Clara County Superior Court

Action for elder abuse and negligence against adult care facility for neglect and physical abuse of 91 year old resident.

## **News**

Shocking COVID Cover-up: Hollywood Nursing Home Forges Death Certificate to Hide its COVID Problem; CPM Assists Family to Sue for Accountability  
05.20.2020

'Who Do You Want to Protect?': With CPM in Opposition, Gov. Newsom Reviewing Proposal that Would Let Nursing Homes Off the Hook from COVID-19 Liability  
ABC 7 News, 05.01.2020

CPM Urges Gov. Newsom--Don't Give Legal Immunity to Nursing Homes Over Coronavirus  
San Francisco Chronicle, 04.29.2020

Senior eviction lawsuit closes with settlement for CPM client  
San Mateo Daily Journal, 06.20.2018

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CPM client sues Palo Alto VA facility over Vietnam vet's fatal fall  
*San Francisco Chronicle*, 05.15.2017

In Elder Abuse Case Against Nursing Facility, CPM Seeks Justice for War Veteran

CPM Helps Senior Citizens Battle Against High End Campus Retirement Village for "Up-Streaming" \$190 Million

In Elder Abuse Case, CPM Files Lawsuit on Behalf of Senior Citizen Against Alexy Pitt and Lucrazon  
06.21.2016

In Elder Abuse Case, CPM Files Motion to Continue Action for 97 Year Old Lady Who Died Facing Eviction from Home Promised for Life  
03.22.2016

Burlingame: Powerhouse law firm Cotchett, Pitre & McCarthy comes to aid of woman, 97, facing eviction  
2016

Court of Appeals Unanimously Upholds Elder Abuse Jury Verdict in Favor of CPM Client  
12.16.2015

CPM Champions the Fight against Elder Abuse

CPM Files Elder Abuse Action for Senior Citizen Who was Bilked

CPM Addressing Elder Abuse from Nursing Home Neglect and Financial Abuse

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

Continuing Care Retirement Communities (CCRC) Residents Ask, 'Where's the Money?'  
*The New York Times*, 03.20.2014

In elder abuse case, residents claim financial abuse at Vi at Palo Alto  
*Palo Alto Online*, 02.20.2014

CPM Wins Jury Verdict for Almost \$2 Million in Elderly Abuse Case  
07.2012

CPM Receives Award from the California State Bar for Historic Settlement in Elder Abuse Case  
06.28.2011

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## **Publications**

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

Same Road, Different Stops

*The Docket*, Volume 49, No. 1, 01.2013

Punitive Damages: How Much Is Enough?

*Civil Litigation Reporter.*, Volume 20, Number 1 (Feb. 1998)