



## Brian Danitz

Partner

San Francisco Bay Area

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**Brian Danitz** is a partner at Cotchett, Pitre & McCarthy, LLP. Brian has substantial experience representing clients in state and federal litigation, arbitration, internal investigations, and government investigations, involving commercial disputes, corporate and securities fraud, shareholder litigation, consumer class actions, antitrust actions, and employee whistleblower complaints. His practice includes all aspects of civil litigation in state and federal courts, in matters involving complex issues including allegations of securities law violations, shareholder disputes including involving breach of fiduciary duty and corporate governance, trade secret violations, and commercial disputes.

Brian is actively involved in the California and Bay Area legal communities, and currently serves as a member of the State Bar of California's 2021 Commission on Judicial Nominees Evaluation.

Prior to joining CPM, Brian worked at a large law firm in Silicon Valley, representing clients in commercial litigation, securities litigation, and government enforcement matters.

Prior to becoming a lawyer, Brian was a documentary filmmaker and producer of new media. Brian was the cinematographer for the Oscar-winning documentary *Bowling for Columbine*, Oscar-nominated film *Sound and Fury*, and Emmy Award winner *TV Nation*, and directed *Ecological Design: Inventing the Future*, *Objects and Memory*, and *N is for Nuclear*, among other films.

Brian received his J.D. from Fordham University School of Law, *cum laude*, where he was the Symposium Editor of the *Fordham Intellectual Property, Media and Entertainment Law Journal*. Brian received B.F.A. and M.P.S. degrees from New York University.

### Office

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

### Practice Areas

Commercial Litigation

Consumer Protection Class  
Actions

Securities / Financial Fraud

Shareholder Rights / Corporate  
Governance

### Education

Fordham University School of  
Law, J.D. (2006)

- Cum Laude
- Fordham Intellectual Property,  
Media and Entertainment Law  
Journal, Symposium Editor

New York University, Interactive  
Telecommunications Program, M.  
P.S. (2000)

- Pioneering Artist in New  
Media Award

New York University, Tisch School  
of the Arts, Bachelor of Fine Arts

### Admissions

State Bar of California

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## Experience

### Representative Actions:

*In re Bank of America California Unemployment Benefits Litigation*, co-lead counsel in multidistrict litigation for a class of hundreds of thousands of Californians who receive unemployment benefits on the bank's prepaid debit cards. On June 1, 2021, the District Court granted a preliminary injunction, finding Plaintiffs have a "strong likelihood of success on their claims" that the bank violated federal and state statutes and breached its contract with cardholders by summarily denying plaintiffs' claims of fraudulent transactions and freezing cardholder accounts.

*In re Google RTB Consumer Privacy Litigation*, represent nationwide putative class of Google account holders alleging that, every second of every day, Google shares and sells its users' personal information, without informed consent, to participants in its real-time bidding auctions for targeted advertising.

*In re Apple Inc. Device Performance Litigation*, co-lead counsel for putative class of iPhone6, SE and 7 owners involving computer intrusion and trespass claims related to the alleged throttling of device performance. The district court recently approved the class settlement of \$310 million to \$500 million in that multidistrict litigation.

*Wozniak, et al. v. YouTube, et al.*, represent tech pioneer Steve Wozniak and seventeen victims of a fraudulent Bitcoin Giveaway scam in a lawsuit against YouTube and Google currently pending in Santa Clara County Superior Court.

*In re Slack Technologies, Inc. Shareholder Litigation*, co-lead counsel for putative class of investors who bought stock in the initial public offering of Slack, a San Francisco-based technology company that offers a cloud-based productivity platform, alleging that that the registration statement and prospectus contained misleading information about the company's condition. The case is currently pending in San Mateo County Superior Court.

State Bar of New York

State Bar of Washington

United States Supreme Court

Ninth Circuit Court of Appeals

Northern District of California

Central District of California

Eastern District of California

Southern District of California

Southern District of New York

Eastern District of New York

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*In re Facebook Inc. Shareholder Derivative Privacy Litigation*, lead counsel in derivative litigation regarding alleged breaches of fiduciary in connection with the Cambridge Analytica data breach, currently pending in the Northern District of California.

*Morgus v. Page, et al.*, represent shareholder in derivative litigation regarding alleged breaches of fiduciary in connection with the approval of payments to executives accused of sexual harassment and other misconduct, currently pending in Santa Clara County Superior Court.

*Tribble v. Gerrans, et al.*, plaintiffs' counsel in shareholder derivative action on behalf of biomedical device company Sanovas, Inc., alleging that the former CEO stole company funds and was able to do so because the company lacked meaningful internal controls. After issuing temporary restraining orders against the defendants, the Marin County Superior Court entered a stipulated judgment establishing significant governance reforms, including the addition of independent directors, an audit committee, board observer rights, required board meetings and annual shareholder meetings to elect directors. The former CEO was tried and found guilty on multiple criminal counts in federal court.

*John's Grill v. Hartford Financial Services Group, et al.*, plaintiffs' counsel for iconic San Francisco restaurant John's Grill and other businesses in a series of cases alleging bad faith refusal to provide insurance coverage for business interruptions caused by the COVID-19 pandemic and related civil authority shutdown orders.

*Morning Star Fisheries, et al. v. San Mateo County Harbor District*, lead trial counsel representing San Mateo County Harbor District in a series of commercial disputes with fisheries located at Johnson Pier in El Granada, California. After an eleven day hearing, the Arbitrator ruled in favor of the District on all claims and ordered the fisheries to pay the District over \$500,000 in attorney fees and costs for defending the lawsuits.

*Rubin v. Peters, et al.*, represent plaintiff in litigation alleging legal malpractice and fraud in connection with a prenuptial agreement in San Mateo County Superior Court. The case settled on favorable terms after the court unsealed the complaint and denied defendants' demurrers to nearly all counts in the complaint.

*Nuts for Candy v. Visa, Inc., et al.*, plaintiffs' counsel for putative class of California merchants involving claims that merchants paid excessive fees to accept Visa payment cards because Visa violated the antitrust laws. The case resolved in conjunction with the \$5.54 billion class settlement in the multi-district litigation *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*.

*JD Brothers LLC et al. v. Liberty Asset Management Corporation et al.*, plaintiffs' counsel in a case involving a real estate Ponzi-scheme involving multiple shell companies and multiple transactions. The case settled after jury selection and the district court eventually entered stipulated judgments totaling \$10 million in

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favor of plaintiffs.

*City of San Jose v. Donald J. Trump et al.*, counsel for the City of San Jose in a case seeking to stop the rescission of the Deferred Action for Childhood Arrivals (“DACA”) program, which shields hundreds of thousands of young immigrants from deportation. On June 18, 2020, the U.S. Supreme Court issued a 5-4 majority opinion vacating rescission of the program.

## News

Google Must Face Users Claiming Privacy Rift Over Ad Bidding  
*Bloomberg Law*, 06.14.2022

Federal regulators scrutinize BofA for its response to California benefits fraud  
02.22.2022

How criminals siphoned off unemployment payments directly from recipients' accounts  
*CNBC*, 07.16.2021

Federal Judge Comes Down on B of A Over Handling of Fraud Claims of EDD Debit Cards  
*NBC Los Angeles*, 06.03.2021

Federal Judge Issues Sweeping Injunction Against Bank of America  
*KGO 810*, 06.02.2021

EDD fraud mess: Judge sides with jobless workers against big bank  
*San Jose Mercury News*, 06.02.2021

Federal Court Issues Preliminary Injunction Against Bank of America, Protects Rights of California's Unemployed  
06.01.2021

Bank of America must provide more proof of fraud before freezing EDD accounts, court orders  
*Los Angeles Times*, 06.01.2021

EDD Fraud: Federal Judge Issues Sweeping Injunction Against Bank of America  
*CBS SF Bay Area*, 06.01.2021

SF Judge Likely to Enjoin Bank of America Over Handling of Unemployment Benefits  
*KPIX*, 05.18.2021

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Google Faces Lawsuit Alleging Privacy Rights Violations  
*NBC Bay Area*, 05.07.2021

Google sued for selling user data despite claims the company does not  
*San Francisco Chronicle*, 05.06.2021

Lawsuit Seeks to Stop Google from Secretly Selling Americans' Private Information Without Informed Consent  
05.05.2021

Victims of EDD debit card fraud say Bank of America made it too difficult to recoup stolen money  
*San Francisco Chronicle*, 04.03.2021

Woman sues Bank of America after a frozen debit card left her without access to her money  
*ABC10*, 02.22.2021

San Mateo County Harbor District Wins Trial to Ensure Safety on Johnson Pier in Princeton  
02.05.2021

California EDD's mass suspension of accounts hangs over jobless  
*San Francisco Chronicle*, 01.26.2021

EDD unemployment fraud scandal triggers lawsuit against big bank  
*San Jose Mercury News*, 01.15.2021

Bank of America sued over EDD unemployment debit card fraud  
*CalMatters*, 01.15.2021

EDD Fraud: Class Action Suit Filed Against Bank of America Over Hacked Unemployment Debit Cards  
*CBS SF Bay Area*, 01.15.2021

Class action lawsuit filed against Bank of America for rampant unemployment fraud  
*ABC 7 News*, 01.15.2021

Bank of America Sued for Failing to Protect the Accounts of Thousands of Unemployed Californians  
01.14.2021

Beam customers are getting money back, but savings app still faces federal investigation  
*CNBC*, 11.27.2020

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CPM Helps Beam Financial Users Sue After Months of Withdrawal Delays  
*Law360*, 11.13.2020

CPM Helps Small Family Dairy Farms Obtain Major Victory in California Dairy Civil War  
07.29.2020

Aided by CPM, the Historic Cliff House San Francisco Restaurant Sues Allianz Insurance and Affiliates  
07.29.2020

CPM Helps Steve Wozniak and 17 Fraud Victims Sue YouTube and Google Over Fraudulent "Bitcoin Giveaway" Scam  
07.22.2020

Represented by CPM, Historic John's Grill Sues Hartford Insurance and Affiliates  
04.15.2020

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

CPM Fights for Rights of Estranged Wife of Android Creator Andy Rubin; Court Documents Show How Google Paid Off After He Was Accused of Sexual Misconduct  
*BuzzFeed.News*, 07.02.2019

As CPM Represents Victimized Estranged Wife, Ex-Google Star Rubin Spars to Keep Divorce Fallout Secret  
*Bloomberg*, 04.25.2019

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

CPM's fight for water for the citizens of Weed California, featured in UK documentary  
04.17.2018

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

DACA Lawsuit Filed by CPM Representing Pro Bono the City of San Jose  
09.14.2017

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Update: City of Richmond (CPM Client) v. Trump; limiting the scope of prior executive order threatening to defund sanctuary jurisdictions  
05.22.2017

CPM Fights Pro Bono for Small Town Residents; Who Owns the Water in Weed, California?  
*Sierra Club*, 04.01.2017

## Publications

Derivative actions help shareholders in small companies, too  
*Daily Journal*, 12.15.2020

California Law is an Increasingly Important Source of Relief  
*Daily Journal*, 08.02.2018

Bar Orders in Partial Settlements of Securities Class Action Lawsuits  
*Practising Law Institute, Securities Litigation and Enforcement Institute*, 2010

Severing the Link: A Defendant's Guide to Loss Causation in the Ninth Circuit  
*Practising Law Institute, Securities Litigation and Enforcement Institute*, 2009

Revitalizing the Lawyer-Poet: What Lawyers Can Learn from Rock and Roll  
*14 Widener Law Journal* 907, 2005

Martignon and Kiss Catalog: Can Live Performances Be Protected?  
*Fordham Intellectual Property, Media and Entertainment Law Journal*, 2005

## Blog Posts

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

Partial Summary Judgment On Liability Can Be An Effective Strategy  
*Advocates for Justice*, 03.20.2017