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6 *Executive Committee Member for
the Direct Purchaser Plaintiffs*

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**
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13 IN RE: OPTICAL DISK DRIVE
ANTITRUST LITIGATION

Case No. 3:10-md-2143-RS
MDL No. 2143

14
15 This Document Relates to:

16 ALL DIRECT PURCHASER
17 CLASS ACTIONS

**DECLARATION OF STEVEN N.
WILLIAMS IN SUPPORT OF MOTION
FOR ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES, AND
INCENTIVE AWARDS**

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1 I, Steven N. Williams, declare and state as follows:

2 1. I am a principal of the law firm of Cotchett, Pitre & McCarthy, LLP. I submit this
3 declaration in support of Direct Purchaser Plaintiffs (“DPP”) joint application for an award of
4 attorneys’ fees in connection with the services rendered in this litigation. I make this Declaration
5 based on my own personal knowledge, and if called as a witness, I could and would competently
6 testify to the matters stated herein.

7 2. My firm has served as counsel to Prisco Electric Company, Inc. d/b/a Prisco T.V.
8 & Appliance and as counsel for the Direct Purchaser Class (“Class”) throughout the course of this
9 litigation. The background and experience of Cotchett, Pitre & McCarthy, LLP and its attorneys
10 are summarized in the *curriculum vitae* attached hereto as Exhibit 1.

11 3. Cotchett, Pitre & McCarthy, LLP has prosecuted this litigation solely on a
12 contingent-fee basis, and has been at risk that it would not receive any compensation for
13 prosecuting claims against the Defendants. While Cotchett, Pitre & McCarthy, LLP devoted its
14 time and resources to this matter, it has foregone other legal work for which it would have been
15 compensated.

16 4. During the pendency of the litigation, Cotchett, Pitre & McCarthy, LLP performed
17 the following work:

18 **INVESTIGATION AND RESEARCH**

19 CPM participated in the investigation from the outset to develop facts supporting the
20 claims against the defendants, to develop the background of the defendant companies’
21 participation in the conspiracy, and to develop an understanding of the industry’s characteristics in
22 order to best advocate on behalf of the class. CPM also extensively researched the defendant
23 companies’ criminal investigations. This included the first discussions with cooperating
24 defendants concerning the facts of the conduct at issue in this case. That information was
25 essential to determining how to plead claims and what discovery to seek.

26 CPM played a key role in the investigation and analysis of the facts of the case and this
27 work was essential to reaching settlements with the defendants. This included analysis and

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1 evaluation of corporate groupings, relationships between corporate affiliates and subsidiaries, sales
2 channels, cost data, transactional data, and facts related to market shares and sales data. CPM
3 was directly involved in negotiating the largest settlement reached in this case on behalf of the
4 DPPs, and played an important role in other settlements reached on behalf of the DPPs.

5 **DISCOVERY**

6 CPM played a lead role in assisted lead counsel and defendants in developing and
7 implementing an ESI protocol. CPM extensively assisted Saveri & Saveri, Inc. with the setup of
8 the document review and procedures for the review and in developing a discovery plan for the
9 case. CPM assisted in reviewing documents produced by defendants to the Department of Justice
10 as well as additional productions of documents by defendants, and reviewed, analyzed, and
11 organized hot documents that further built the story of the conspiracy.

12 CPM assisted in preparation for expert depositions and worked to prepare essential
13 materials for the deposition and deposition preparation. CPM also prepared for key witness
14 depositions such as Bruce Jeong.

15 **PLEADINGS AND MOTIONS**

16 CPM actively participated in drafting the Consolidated Amended Class Action Complaint,
17 preparing for and argument of motions, and conducting legal research related to claims. CPM also
18 assisted in preparing memorandums of law in opposition to motions to dismiss, as well as briefing
19 relating to the 23(f) petition. CPM further assisted with drafting and reviewing motions for
20 approval of settlements.

21 **CLASS CERTIFICATION**

22 CPM actively participated in the drafting process of the motion for class certification and
23 legal research pertaining to it. CPM also assisted with expert work pertaining to class
24 certification.

25 **SETTLEMENTS**

26 CPM actively participated in settlement negotiations with many defendants, including the
27 negotiations which resulted in the largest settlement obtained on behalf of the DPP class. CPM

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1 conducted extensive research in an effort to help reach the settlements.

2 **CASE MANAGEMENT**

3 CPM assisted lead counsel Saveri & Saveri, Inc. with multiple tasks including keeping
4 contact and service lists for the case up to date and monitoring and coordinating important
5 deadlines.

6 5. Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at
7 historical rates, for the period of May 7, 2010 through December 31, 2014. This period reflects
8 the time spent after the appointment of the Chairman of the Executive Committee for the DPPs
9 (the "Chairman") in this litigation. The total number of hours spent by Cotchett, Pitre &
10 McCarthy, LLP during this period of time was **3,056.50**, with a corresponding lodestar of
11 **\$1,260,155.50**. This summary was prepared from contemporaneous, daily time records regularly
12 prepared and maintained by my firm. The lodestar amount reflected in Exhibit 2 is for work
13 assigned by the Chairman, and was performed by professional staff at my law firm for the benefit
14 of the Class.

15 6. The hourly rates for the attorneys and professional support staff in my firm
16 included in Exhibit 2 are the usual and customary hourly rates charged by Cotchett, Pitre &
17 McCarthy, LLP.

18 7. My firm has expended a total of **\$16,140.00** in unreimbursed costs and expenses in
19 connection with the prosecution of this litigation. These costs and expenses are broken down in
20 the chart attached hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser Plaintiffs
21 by my firm on a contingent basis, and have not been reimbursed. The expenses incurred in this
22 action are reflected on the books and records of my firm. These books and records are prepared
23 from expense vouchers, check records and other source materials and represent an accurate
24 recordation of the expenses incurred.

25 8. Cotchett, Pitre & McCarthy, LLP paid a total of **\$100,000.00** in assessments for the
26 joint prosecution of the litigation against the Defendants.

27 9. I have reviewed the time and expenses reported by my firm in this case which are

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1 included in this declaration, and I affirm that they are true and accurate.

2 I declare under penalty of perjury under the laws of the United States of America that the
3 foregoing is true and correct. Executed on this 2nd day of February, 2015 at Burlingame,
4 California.

5 */s/ Steven N. Williams*
6 _____
7 STEVEN N. WILLIAMS
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EXHIBIT 1

COTCHETT, PITRE & McCARTHY, LLP

ATTORNEYS AT LAW

BURLINGAME | SACRAMENTO | LOS ANGELES
NEW YORK | WASHINGTON, D.C.

WWW.CPMLEGAL.COM

FIRM RESUME

WHO WE ARE

Cotchett, Pitre & McCarthy, LLP based on the San Francisco Peninsula for over 45 years, engages exclusively in litigation and trials. The firm's dedication to prosecuting or defending socially just actions has earned it a national reputation. With offices in Burlingame, Sacramento, Los Angeles, New York and Washington D.C., the core of the firm is its people and their dedication to principles of law, their work ethic and commitment to justice.

Most clients are referred by other lawyers, who know of the firm's abilities and reputation in the legal community. We are trial lawyers dedicated to achieving justice.

WHAT WE DO

PUBLIC ENTITY CASES

People of the State of California v. Atlantic Richfield, et al. (“Lead Paint Litigation”)

Santa Clara County Superior Court

CPM represented the People of the State of California alongside ten California Cities and Counties in a public nuisance action in the Complex Department of Santa Clara County Superior Court. The six defendants included the largest historical manufacturers of lead-based paint and lead pigments in the country. The case was initially filed in March of 2000, and was finally brought to trial in the summer of 2013. The Lead Paint Litigation is considered one of the largest representative public nuisance actions in the country ultimately resulting in a judgment for the People in the amount of \$1.15 Billion.

LIBOR-Based Financial Instruments Antitrust Litigation

USDC, Southern District of New York

CPM represents the Counties of San Mateo and San Diego, the Cities of Richmond and Riverside, East Bay Municipal Utility District, and other public entities who invested in financial instruments that were tied to the London Interbank Offered Rate, or LIBOR. LIBOR is the world's benchmark rate used for setting interest rates on a wide range of financial instruments, from car and home loans to municipal derivatives. LIBOR is set daily based on the borrowing costs reported by members of the British Bankers' Association. The complaints allege that the member banks conspired to suppress LIBOR, both to reduce the amounts they were required to pay on LIBOR-linked transactions, and to increase their perceived strength in the market. Plaintiffs invested significant sums in financial instruments, such as interest rate swaps and corporate securities, the rates of return of which were tied to LIBOR, and earned less on those investments as a result of the alleged suppression of LIBOR.

Municipal Derivative Investment Antitrust Litigation

USDC, Southern District of New York

Along with co-counsel, CPM represents Los Angeles and numerous public entities who purchased Guaranteed Investment Contracts (“GICs”) and other derivative investments. GICs and derivative investments are purchased from financial institutions, insurance companies, and others through a competitive bidding process overseen by brokers. They are purchased when public entities issue tax-exempt municipal bonds to raise funds to finance public works projects and have funds that are not immediately needed for the project. CPM's investigation has uncovered, and the complaints allege, that the competitive bidding process is a sham as securities sellers and brokers in the derivative investment market have engaged in a conspiracy to allocate the market and rig the bidding process in violation of antitrust law and common law.

Municipal Bond Insurance Antitrust Litigation

San Francisco County Superior Court

CPM represents Los Angeles and numerous public entities who issued tax-exempt municipal bonds to raise funds to finance public works projects and were compelled to purchase insurance for those bond issuances. When a public entity issues bonds, its credit rating determines the

interest it will pay to bond holders. To reduce the interest rate, public entities have had to purchase bond insurance to improve their credit worthiness (despite an historical default rate of less than 0.1 percent). CPM's investigation has uncovered and the complaints allege that the bond insurance companies violated antitrust law and common law by conspiring to maintain a dual credit rating system that discriminates against public entities (versus private corporations), causing public entities to pay unusually high premiums to purchase unnecessary bond insurance, and failure of the bond insurance companies to disclose they made risky investments in the subprime market that has led to the downgrading of the bond insurers' own credit ratings.

San Francisco Unified School District
Sacramento County Superior Court

CPM filed a consumer fraud and negligence case against a Fortune 250 energy company in a scheme to defraud the district in connection with an energy contract to upgrade schools and help the district save in energy costs. (Settled in June of 2004 for \$43.1 million)

National Gas Anti-Trust Cases I, II, III, & IV
San Diego Superior Court

CPM represented eleven public entities and others for the reporting of false information by non-core natural gas retailers to published price indices to manipulate the natural gas market during the California energy crisis. CPM successfully prosecuted this case, concluding in approximately \$124 Million in settlements.

In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation
County of San Mateo v. Kimberly-Clark Corp.

San Francisco County Superior Court

CPM served as the Public Entity Co-Liaison Counsel, and filed an antitrust class action on behalf of public entity consumers of commercial sanitary paper products for an alleged price-fixing conspiracy among producers. This case settled for approximately \$2,250,000.

Judicial Counsel of California
USDC, Northern District of California

CPM successfully defended the Chief Justice of the State of California and the Judicial Counsel of California in an action brought by the National Association of Securities Dealers (NASD) to invalidate California's Ethics Standards for Neutral Arbitrators by demonstrating that the 11th Amendment bars federal actions against these state actors.

Federal Energy Regulatory Commission (FERC)
United States Court of Appeals, 9th Circuit

CPM represented the California State Senate, the California State Assembly, and the City of Oakland in an action against FERC. Petitioned the Court to issue a writ of mandamus to compel FERC to take action to ensure just and reasonable rates for energy in California and the Western states.

Central Sprinkler

County of Santa Clara v. Central Sprinkler Corp.

Santa Clara County Superior Court

Hart v. Central Sprinkler Corp.

Los Angeles County Superior Court

CPM filed a consumer class action against manufacturer of automatic fire suppression sprinklers for product defects and consumer fraud. (Class certified and settlement finally approved, 1999). 193 Cal. App. 3d 802 (1987). Class action for antitrust and unfair business practices.

SECURITIES CASES

In re Hewlett-Packard Co. Shareholder Derivative Litigation

USDC, Northern District of California

CPM is Lead Counsel in a derivative action on behalf of Hewlett-Packard relating to HP's acquisition and due diligence of Autonomy Corp.

In re BP Securities Litigation

USDC, Southern District of Texas

CPM is Co-Lead Counsel for investors who purchased American Depository Receipts ("ADRs") issued by BP, and suffered damages following the Gulf of Mexico explosion and oil spill. Plaintiffs allege that BP and its senior executives falsely touted BP's safety and risk management practices relating to its deep sea drilling operations.

In re Medical Capital Securities Litigation

USDC, Central District of California

CPM was Co-Lead Counsel for noteholders who invested in Medical Capital, a receivable company that turned out to be a Ponzi scheme. After Plaintiffs prevailed on several motions to dismiss, Bank of New York Mellon agreed to pay \$114 million to resolve the actions. Shortly thereafter, and on the eve of trial, Wells Fargo agreed to pay \$105 million dollars to resolve the actions. The combined \$219 million recovery represents one of the largest recoveries against indenture trustees in United States history.

California State Teachers' Retirement System v. Qwest Communications

San Francisco County Superior Court

CPM represented CalSTRS in a securities action against Qwest Communications International, Inc., its securities underwriters, its senior officers and directors, and its auditor, Arthur Andersen arising out of the fraud executed by Qwest's senior officers. The litigation strategy resulted in a \$46.5 million settlement for CalSTRS alone, compared to the entire \$400 million class settlement. CalSTRS' individual settlement is approximately 11.6% of the total class settlement. CalSTRS also recovered over 50% of its actual damages, compared to a 6% class recovery. This is an exceptional settlement in a securities litigation and became the subject of securities panel discussions. (Settled, 2007).

California State Teachers' Retirement System v. AOL Time Warner

Los Angeles County Superior Court

CPM represented CalSTRS in a securities action against AOL Time Warner, its securities underwriters, its senior officers and directors and its auditor, Ernst & Young ("E&Y") alleging violations of state and federal securities law. CalSTRS was able to recover \$107.4 million in settlement, representing 80% of its losses and over 7 times what it would have recovered if it had remained a member of the Class. Our firm's participation in the CalSTRS/AOL Time Warner litigation was also at the cutting edge of California securities law development. We obtained a ruling from the Los Angeles Superior Court holding that the Supreme Court ruling in *Dura Pharmaceuticals, Inc. v. Broudo*, 544 U.S. 336 (2005) did not apply to actions brought under the California securities laws. We also were one of the first firms to litigate the issue of reliance as it relates to index investing, an issue of significant importance to all pension funds. This litigation demonstrates our firm's commitment to fighting to ensure that federal and state securities laws are able to protect injured investors and preserve the integrity of America's securities markets. (Settled, 2007).

Worldcom

The Regents of the University of California v. Salomon Smith Barney, Inc., et al.

USDC, Southern District of New York

CPM represented the Regents of the University of California in an individual securities action WorldCom, Inc., its underwriters and its officers and directors, including Bernard Ebbers, relating to a massive multibillion accounting fraud which resulted in the bankruptcy of one of the largest telecommunications companies in the United States. Regents had invested in WorldCom securities prior to the Class Period and would have recovered nothing from the settlement. This was one of the first cases to successfully bring a holder's claim under California's blue sky laws, as recognized by the California Supreme Court in *Small v. Fritz* (2003) 30 Cal.4th 167. (Settled, 2006).

Oracle Securities Litigation

USDC, Northern District of California

CPM is Co-Lead Counsel for investors in a shareholder derivative complaint on behalf of Oracle Corporation against certain members of its Board of Directors and certain senior officers for breach of fiduciary duty and abuse of control relating to the over-billing of the US government for software products.

In re Novellus Systems, Inc. Litigation

Santa Clara County Superior Court

CPM was Co-Lead Counsel in a class action representing the Louisiana Municipal Police Employees' Retirement System against Novellus' Board of Directors for alleged breaches of their fiduciary duties arising from a merger with Lam Research Corporation. CPM alleged that the merger was for inadequate consideration and was arrived at through an unfair process that did not adequately safeguard the interest of Novellus shareholders. (Settled, 2012).

In re Homestore.com, Inc. Securities Litigation

USDC, Central District of California

CPM was Lead Counsel in a securities fraud class action representing CALSTRS against Homestore.com, Inc., its senior officers and directors, its auditors, and other companies who engaged in fraudulent "roundtripping" transactions, increasing revenues by false accounting methods. In 2004 the court approved a settlement in which Homestore agreed to reform its corporate policies and pay approximately \$93 million in stock and cash. In 2011, CPM obtained a jury verdict against a Homestore executive for securities fraud. (Jury Verdict, 2011).

HL Leasing Ponzi Scheme

Fresno County Superior Court

CPM obtained a jury verdict for \$46.5 million against the top two senior officers of HL Leasing, Inc. for their involvement in a Ponzi scheme. The jury verdict came three days after the court had entered a directed verdict for \$114 million against HL Leasing, Inc., Heritage Pacific Leasing and Air Fred, LLC for a Ponzi scheme in which over 1200 victims lost approximately \$137 million. (Jury Verdict, 2011).

Lehman Brothers Litigation

USDC, Southern District of New York

CPM is Liaison Counsel and represents San Mateo County, Monterey County, the cities of Auburn, San Buenaventura, Burbank, and Zenith Insurance Company in a securities action relating to their investment losses in Lehman Brothers. Defendants allegedly hid the company's exposure to mortgage-related losses, as it reported record profits and gave lucrative bonuses to its executives.

Monterey County/ San Buenaventura / WaMu

USDC, Western District of Washington

CPM represented Monterey County and the City of San Buenaventura relating to their investment losses in Washington Mutual. Defendants allegedly deceived investors relating to their underwriting and exposure to subprime losses, and engaged in misleading accounting practices. (Settled, 2011).

Pay By Touch Litigation

San Francisco County Superior Court

CPM represented investors, including the Getty family trusts, in a securities action against UBS Securities and former executives of Pay By Touch alleging fraud and negligent misrepresentation. (Settled, 2011).

In re Mutual Funds Investment Litigation

USDC, District of Maryland

CPM was Lead Counsel in a securities fraud class action filed against Janus mutual funds for allowing select investors to make substantial profits at the expense of other investors. The suits were filed in September 2003 and accuse the funds of allowing "market timing" and "late trading" by its largest customers resulting in millions of dollars of losses to other shareholders. (Settled, 2010).

In re Genentech/Roche Shareholder Litigation

San Mateo County Superior Court

CPM was Co-Lead Counsel in a class action alleging several defendants breached their fiduciary duty relating to a proposed buy-out offer of Genentech by its largest and controlling shareholder, Roche Holdings. (Settled, 2009).

Merrill Lynch Class Action

USDC, Southern District of New York

CPM represented former First Republic Bank shareholders in a securities class action against Merrill Lynch & Co., which is accused of hiding billions of dollars of losses related to subprime mortgages while the companies' merger was pending. Defendants allegedly misled First Republic shareholders about its finances as they considered Merrill's \$1.8 billion takeover of the company. (Settled, 2009).

In re Apple Computer Inc. Derivative Litigation

USDC, Northern District of California

CPM was Lead Counsel in a derivative action on behalf of Apple relating to backdating of stock options granted to various executives. The action alleged violations of federal and California state securities statutes, and resulted in Settlement of cash and novel corporate governance reform. (Settled, 2008).

Madoff Litigation

New York State Supreme Court

CPM represents investors in a securities action naming individuals and entities who are alleged to be liable in the \$65 billion Ponzi Scheme perpetrated by Bernard Madoff. Plaintiffs allege that Defendants, JP Morgan and the Bank of New York as well as accounting firm KPMG LLP and their international counterparts, KPMG UK and KPMG International were primary players responsible for the fraud. Partners Joseph Cotchett and Nancy Fineman were the first and only attorneys to interview Bernard Madoff in prison.

American Continental Corp./Lincoln Sav. & Loan

794 F. Supp. 1424, UDSC, District Court of Arizona

CPM represented shareholder and bondholder victims of Charles Keating in a securities class action, and related insurance coverage litigation, including lengthy jury trial. (Largest jury verdict against an individual defendant in American history – \$3.5 billion against Keating and others.) (Jury Verdict).

Technical Equities Litigation

Abelson v. National Union

Santa Clara County Superior Court

CPM represented hundreds of individual plaintiffs in a fraud litigation, and subsequent insurance coverage and insurance bad faith litigation, and included three lengthy jury trials and three court trials. (Largest verdict in California for 1991).

Bily v. Arthur Young & Co.

3 Cal. 4th 370 (1992)

CPM represented shareholders in a professional negligence action against Arthur Young & Co. for materially misleading financial statements. Seminal case in California discussing auditor liability to shareholders.

In re Federal Home Loan Mortgage Corp. (Freddie Mac) Securities Litigation

USDC, Southern District of New York

CPM is Lead Counsel in securities class action against Freddie Mac executives alleging that they misrepresented material facts regarding Freddie Mac's business prior to government conservatorship. The losses suffered by the Class of preferred shareholders exceed \$6 billion.

Diversified Lending Group

Los Angeles County Superior Court

CPM represents investors in a securities action involving a multi-hundred million dollar fraudulent investment scheme perpetrated by Diversified Lending Group, Inc., Applied Equities, Inc. Bruce Friedman, and Diane Cano.

In re: American International Group, Inc. Securities Litigation

USDC, Southern District of New York

CPM represents SFERS in a securities fraud class action against AIG arising out of defendants false and misleading statements concerning AIG's financial condition and accounting practices.

In re Informix Derivative Litigation

Smurthwaite v. White

San Mateo County Superior Court

CPM was Lead Counsel in consolidated shareholder derivative actions against corporate officers, directors and accountants relating to accounting fraud. (Settled, 2000).

In re Sybase Derivative Litigation

Alameda County Superior Court

Krim v. Kertzman

Alameda County Superior Court

CPM was Lead Counsel in consolidated shareholder derivative actions against corporate officers and directors. (Settled, 2000).

CBT Group Litigation

Durrett v. McCabe

San Mateo County Superior Court

CPM represented holders of American Depository Shares in a derivative litigation against officers and directors of CBT Group PLC for accounting fraud and insider trading. (Settled, 2000).

In re Global Crossing Ltd. Securities & “ERISA” Litigation

USDC, Southern District of New York

CPM represents investors in a securities fraud class action against Global Crossing, Ltd. for misrepresentation and artificially inflating its financial results through 2001.

Orange County Securities Litigation

Smith v. Merrill Lynch

Orange County Superior Court

CPM represented debt securities holders of Orange County and its investment pool participants in a securities class action. (Settled, 1997).

Acclaim Securities Litigation

Campbell v. Petermeier, et al.

Alameda County Superior Court

Campbell v. Acclaim Entertainment, Inc., et al.

USDC, Eastern District of New York

CPM represented investors in a securities class action arising from a stock swap merger. (Settled, 1997).

In re Pilgrim Securities Litigation

USDC, Central District of California

CPM represented investors in a mutual fund fraud class action. (Settled, 1997).

West Valley Litigation

Knight v. Rayden

Santa Clara County Superior Court

CPM represented real estate limited partnership investors in a securities class action. (Settled, 1996).

In re Oak Technologies Securities Litigation

Santa Clara County Superior Court

CPM served as Co-Lead Counsel for investors in a securities class action for insider trading and abuse of control. (Settled).

In re HomeFed Securities Litigation

USDC, Southern District of California

CPM represented bankrupt S&L as plaintiff in action against former S&L officers, directors and accountants for mismanagement and breach of fiduciary duty. (Settled).

Giorgetti v. BankAmerica Corp.

San Francisco County Superior Court

CPM represented shareholders in a class action for failure to pay control premium in connection with merger between Bank of America and NationsBank Corp. (Settled).

Harmsen v. Smith

693 F. 2d 932 (9th Cir. 1982)

586 F. 2d 156 (9th Cir. 1978)

542 F. 2d 496 (9th Cir. 1976)

CPM represented shareholders of United States National Bank, San Diego in a securities class action against C. Arnholt Smith and other officers, directors, and insiders. Multi-million dollar jury verdicts upheld on appeal. The first securities class action tried on both liability and damages to a jury.

J. David Dominelli Litigation

Rogers & Wells v. Superior Court

175 Cal. App. 3d 545 (1986)

CPM represented hundreds of clients in investor fraud litigation in San Diego County Superior Court including a lengthy jury trial.

ANTITRUST CASES

Auto Parts Antitrust Litigation

USDC, Eastern District of Michigan

CPM is co-lead counsel on behalf of consumers against manufacturers of auto parts, including bearings, fuel senders, heater control panels, safety systems, instrument control clusters and wire harnesses, for a world-wide conspiracy to fix prices for those parts for use in cars and trucks.

Webkinz Litigation, Nuts for Candy v. Ganz Inc., et al.

USDC, Northern District of California

CPM was lead counsel representing a proposed class of persons or entities in the United States who ordered Webkinz from Ganz Inc. on the condition that they also order products from Ganz's "core line" of products. The complaint alleged that Ganz conditioned the purchase of its popular Webkinz plush line toy with a minimum \$1,000 purchase of non-Webkinz "core" line products in violation of federal antitrust laws. On September 17, 2012, Hon. Richard Seeborg of the Northern District of California approved a class action settlement on behalf of a class of small business retailers against Ganz Inc. for alleged antitrust violations where customers were required to purchase unwanted products as a condition to purchasing Ganz's popular Webkinz Toy. (Settled, 2012).

In re Transpacific Passenger Air Transportation Antitrust Litigation

USDC, Northern District of California

CPM is the court-appointed Co-Lead counsel for a proposed class of purchasers who paid fuel surcharges illegally charged by defendants on long-haul passenger flights for transpacific routes. Plaintiffs have settled with Japan Airlines for \$10 million.

In re: Plasma Derivative Protein Therapies Antitrust Litigation

USDC, Northern District of California

CPM is lead counsel for indirect purchasers in this antitrust class action alleging price-fixing in the market for the life-saving blood products albumin and immunoglobulin.

Freight Forwarders Antitrust Litigation

USDC, Eastern District of New York

CPM is Co-Lead Counsel for Direct Purchasers of Freight Forwarding services in the United States and filed a complaint alleging that the major providers of Freight Forwarding conspired to fix the prices of such services in violation of U.S. federal antitrust law (15 U.S.C. § 1). The action has already led to multiple settlements for the benefit of the class.

In re Cathode Ray Tube (CRT) Antitrust Litigation

USDC, Northern District of California

CPM is an Executive Committee Member and represents a class of direct purchaser plaintiffs against manufacturers of cathode ray terminals ("CRT") whose prices were artificially raised, maintained or stabilized at a supra-competitive level by defendants and their co-conspirators. Settlements amounting to \$79.5 million have been reached with four of the defendants.

In re Static Random Access Memory (SRAM) Antitrust Litigation

USDC, Northern District of California

The Court appointed CPM as sole Lead Counsel for direct purchaser plaintiffs of Static Random Access Memory ("SRAM") chips. CPM successfully secured a \$77 million settlement on behalf of plaintiffs. Important legal rulings were reached on cutting edge issues such as the extent to which the United States antitrust laws apply to foreign conduct, standing of class representatives and the proper showing for class certification. (Settled, 2011).

In re Dynamic Random Access Memory (DRAM) Antitrust Litigation

USDC, Northern District of California

CPM served as chair of the Discovery Committee in a multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.

In re Lithium Batteries Antitrust Litigation

USDC, Northern District of California

The Court appointed CPM as Co-Lead Counsel on behalf of direct purchasers of lithium-ion rechargeable batteries that defendants allegedly conspired to fix the price on.

Municipal Derivative Investment Antitrust Litigation

USDC, Southern District of New York

Along with co-counsel, CPM represents Los Angeles and numerous public entities who purchased Guaranteed Investment Contracts ("GICs") and other derivative investments. GICs and derivative investments are purchased from financial institutions, insurance companies, and others through a competitive bidding process overseen by brokers. They are purchased when public entities issue tax-exempt municipal bonds to raise funds to finance public works projects and have funds that are not immediately needed for the project. CPM's investigation has uncovered, and the complaints allege, that the competitive bidding process is a sham as securities sellers and brokers in the derivative investment market have engaged in a conspiracy to allocate the market and rig the bidding process in violation of antitrust law and common law.

In re Digital Music Antitrust Litigation

USDC, Southern District of New York

CPM was appointed to the Steering Committee in this class action brought on behalf of all persons who paid inflated prices for music sold as digital files.

E&J Gallo Winery v. EnCana Energy Services, et al.

USDC, Eastern District of California

CPM successfully represented E. & J. Gallo Winery in an antitrust action against natural gas companies for manipulating energy prices, which led to the 2000-2001 California energy crisis, in which energy companies not only gouged the State of California and its residents of billions of dollars but led to rolling blackouts throughout California. E. & J. Gallo Winery is one of the largest natural gas users in the State of California and it suffered millions of dollars in losses. CPM's aggressive prosecution of this case resulted in the case settling on the eve of trial for a substantial sum. CPM's efforts led to the landmark Ninth Circuit opinion on the filed rate doctrine at E. & J. Gallo Winery v. EnCana Corporation, 503 F.3d 1027 (9th Cir. 2007).

Kopies, Inc, et al. v. Eastman Kodak Co.

USDC, Northern District of California

CPM was appointed Co-Lead counsel, and successfully prosecuted an antitrust class action on behalf of copier service firms against parts manufacturer for illegal tying of products and services. CPM successfully reached a \$45 million settlement with Kodak on behalf of plaintiffs.

Municipal Bond Insurance Antitrust Litigation

San Francisco County Superior Court

CPM represents Los Angeles and numerous public entities who issued tax-exempt municipal bonds to raise funds to finance public works projects and were compelled to purchase insurance for those bond issuances. When a public entity issues bonds, its credit rating determines the interest it will pay to bond holders. To reduce the interest rate, public entities have had to purchase bond insurance to improve their credit worthiness (despite an historical default rate of less than 0.1 percent). CPM's investigation has uncovered and the complaints allege that the bond insurance companies violated antitrust law and common law by conspiring to maintain a dual credit rating system that discriminates against public entities (versus private corporations), causing public entities to pay unusually high premiums to purchase unnecessary bond insurance, and failure of the bond insurance companies to disclose they made risky investments in the subprime market that has led to the downgrading of the bond insurers' own credit ratings.

In re International Air Transportation Surcharge Antitrust Litigation

USDC, Northern District of California

CPM served as Co-Lead Counsel of a class of purchasers who paid fuel surcharges illegally charged by defendants on long-haul passenger flights for transatlantic routes. Plaintiffs secured settlements on behalf of the class with Defendants Virgin Atlantic Airways, LTD and British Airways Plc worth approximately \$204 million. (Settled, 2009).

In re Optical Disk Drive (ODD) Antitrust Litigation

USDC, Northern District of California

CPM is a member of the executive committee in this multidistrict litigation alleging a conspiracy that manufacturers of optical disk drives ("ODD") fixed prices of ODD's sold directly to plaintiffs in the United States. Plaintiffs have reached a \$26 million settlement with the HLDS defendants.

Air Cargo Shipping Services Antitrust Litigation

USDC, Eastern District of New York

CPM, along with co-counsel, is the court-appointed lead counsel for a proposed class of U.S. indirect purchasers of international air freight services. The case alleges that the providers of international air freight services conspired to fix the prices of such services, including fuel surcharges. The case names almost forty international air freight carriers as defendants. The claims of the United States indirect purchasers is brought under the antitrust laws and consumer protection laws of various U.S. states. The Court granted approval to a settlement with defendants Deutsche Lufthansa AG, Lufthansa Cargo AG, and Swiss International Air Lines, Ltd. (Settled, 2009).

Toyota Motor Sales USA, Inc.

Livingston v. Toyota Motor Sales USA, Inc.

USDC, Northern District of California

CPM filed an antitrust class action under Sherman Act by purchasers of Toyota vehicles for secret rebates. (Settled, 1997).

Hip And Knee Implant Marketing Litigation

USDC, Northern District of California

CPM, with co-counsel, has filed two complaints on behalf of proposed classes of persons who underwent hip or knee implant surgery. The complaints allege that the major manufacturers of hip and knee implants have engaged in a pervasive kickback scheme, using phony consulting agreements with orthopaedic surgeons, to improperly funnel money to doctors and hospitals in return for choosing the manufacturer's device during surgeries. This scheme artificially raised the costs of hip or knee implants paid for by members of the proposed class in violation of state antitrust and consumer protection laws.

In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation

County of San Mateo v. Kimberly-Clark Corp.

San Francisco County Superior Court

CPM filed an antitrust class action on behalf of class of public entity consumers of commercial sanitary paper products against alleged price-fixing conspiracy among producers. (Appointed co-lead counsel for public entity class, 1998).

Dry Creek Corporation v. El Paso Corporation

San Diego County Superior Court

CPM filed an antitrust action against El Paso for withholding natural gas from California in order to drive up prices, which was successfully resolved on behalf of the Plaintiff.

In re Hydrogen Peroxide Antitrust Litigation

USDC, Eastern District of Pennsylvania

CPM filed an antitrust class action for conspiracy to fix prices of hydrogen peroxide manufactured and sold by defendants who were engaged in an alleged price-fixing conspiracy.

In re Intel Corporation Microprocessor Antitrust Litigation

USDC, District Court of Delaware

CPM represents entities against Intel Corporation for antitrust violations relating to monopolization. CPM has been active in assisting lead counsel with discovery.

National Gas Anti-Trust Cases I, II, III, & IV

San Diego Superior Court

CPM represented eleven public entities and others for the reporting of false information by non-core natural gas retailers to published price indices to manipulate the natural gas market during the California energy crisis. CPM successfully prosecuted this case, concluding in approximately \$124 Million in settlements.

Bathroom Fittings Cases

USDC, Northern District of California

CPM was a member of the Executive Committee in an antitrust class action for a conspiracy to fix prices of Bathroom Fitting manufactured by defendants participating in an alleged price-fixing conspiracy.

Magazine Paper

San Francisco County Superior Court

CPM filed an antitrust class action for price-fixing conspiracy against magazine paper products International Paper Co., MeadWestvaco Corporation, Norske Skog, Stora Enso, Sappi Limited, S.D. Warren Company and others.

Foundry Resins

USDC, Southern District of Ohio

CPM filed an antitrust class action for conspiracy to fix prices of resins manufactured by Ashland Inc., Ashland Specialty Chemical Company, Borden Chemical Inc., Delta HA, Inc., HA International LLC.

In re Automotive Refinishing Paint Cases

Alameda County Superior Court

CPM was appointed Co-Liaison Counsel in an antitrust class action for conspiracy to fix the price of auto paint by manufacturers engaged in an alleged price-fixing conspiracy. The class was certified in 2004.

In re Methionine Antitrust Litigation

USDC, Northern District of California

CPM was appointed Co-Lead Counsel in this antitrust class action against several methionine manufacturers involved in a conspiracy to fix the prices of and allocate the markets for methionine. This case settled for \$107 million.

In re Citric Acid Antitrust Litigation

USDC, Northern District of California

CPM served as Co-Lead Counsel in an antitrust class action against the five largest sellers of citric acid in the United States, who conspired to raise and fix the price of citric acid at artificially high levels. Co -Lead counsel successfully certified the class in October 1996. Co-Lead Counsel also reached approximately \$86.5 million in combined settlements with defendants Archer Daniels Midland Co., Hoffmann-La Roche Inc., Jungbunzlauer, Inc., Haarmann & Reimer Corp., and Cerestar Bioproducts B.V.

In re Beer Antitrust Litigation

USDC, Northern District of California

CPM was appointed Co-Lead counsel in an antitrust class action on behalf of specialty beer brewers against Anheuser-Busch, Inc. for attempt to monopolize U.S. beer industry by denying access to distribution channels.

In re Sodium Gluconate Antitrust Litigation

USDC, Northern District of California

CPM served as Lead Counsel in an antitrust class action against defendants who allegedly price fixed sodium gluconate, and industrial cleaning agent. CPM successfully certified the class, and reached a settlement on behalf class plaintiffs in the amount of \$4,801,600.

PRODUCT LIABILITY CASES

In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation

USDC, Central District of California

CPM was Co-Lead counsel in a class action against Toyota Motor Corporation and its U.S. sales and marketing arms, Toyota Motor Sales, U.S.A., Inc. and Toyota Motor North America, Inc. United States District Judge James V. Selna appointed Frank M. Pitre as Co-Lead Counsel for the Economic Loss Committee in the Toyota sudden unintended acceleration litigation. The MDL involves more than 200 lawsuits divided into two groups: those seeking losses on behalf of consumers and others who have lost value on their Toyotas, and those seeking damages for people who have been injured or killed in a Toyota. (Settled, 2012 - \$1.3 billion).

Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation

USDC, Northern District of California

CPM was co-lead trial counsel in the In Re: Bextra and Celebrex Mktg., Sales Practices & Product Liability Litigation, which culminated in Pfizer agreeing to pay \$894 million to settle consolidated injury and class action cases related to its pain killers Bextra & Celebrex.

Vioxx Product Liability Litigation

USDC, Northern District of New York

CPM represents a number of individuals who suffered medical injuries such as heart attacks and strokes after taking the prescription drug Vioxx. The drug was withdrawn from the market by its manufacturer and distributor, Merck & Co., Inc., after evidence emerged linking the drug to heart attacks, strokes, sudden cardiac death and other serious cardiovascular risks.

Sharper Image Corporation v. Consumers Union of United States

USDC, Northern District of California

CPM was successful in defending under California's Anti-SLAPP statute of product disparagement claim brought by Sharper Image relating to reviews of Sharper Image's Ionic Breeze air cleaner published in Consumer Reports.

Isuzu Motors Ltd. v. Consumers Union of the United States, Inc.

USDC, Central District of California

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against non-profit consumer testing organization. Jury verdict for Consumers Union after a two-month jury trial.

Suzuki Motor Corp. Japan v. Consumers Union of the United States, Inc.

USDC, Central District of California

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against nonprofit consumer testing organization. Summary judgment in favor of defendants was granted in May 2000.

Diet Drug Litigation

Los Angeles County Superior Court

USDC, Eastern District of Pennsylvania

CPM represented approximately 100 individuals in consumer fraud and product liability individual actions.

Rhonda Albom, et al. v. Ford Motor Company/Firestone Tires

Los Angeles Superior Court

CPM represented a young child and her mother who were injured when their Ford Explorer veered out of control and rolled over in Half Moon Bay, California. The case was one of several against Ford Motor Company and Firestone Tires consolidated before the Superior Court of Los Angeles.

Swine Flu Immunization Products Litigation

Adleson v. United States

USDC, Northern District of California (1981)

523 F. Supp. 459

USDC, District of Columbia (1980)

89 F.R.D. 695

MDL actions for product liability.

Bausch & Lomb Contact Lens Solution Product Liability Litigation

USDC, District of South Carolina

CPM represents individuals who sustained serious eye injuries as a result of the use of the contact lens solution ReNu with MoistureLoc. The product was withdrawn from the market by its manufacturer and distributor, Bausch & Lomb, after it was associated with fungal keratitis (a rare type of eye infection).

Dephlia Davis, et al. v. Actavis Group, et al.

USDC, Northern District of California

CPM represented individuals who were injured or killed after injecting the drug Digitek, which was formulated and distributed by the manufacturers and suppliers at a level more than double the FDA prescribed maximum.

Trawick v. Parker-Hammifin, et al.

Monterey County Superior Court

CPM successfully prosecuted a product liability claim against the manufacturer and supplier of a defective rubber hose coupling installed on a forklift which failed and killed a construction foreman at the Monterey Plaza Hotel.

Austin Hills, et al. v. S & G Ragsdale Equipment Co., LLC, et al.

Napa County Superior Court

CPM represented the Hills family in a product liability/negligence claim against the parties responsible for the defective operation of a truck/trailer hitch system which caused a 5 ton trailer with drilling equipment to disengage, then swerve into the opposing lane of traffic killing Erika Hills, a resident of Napa.

Munoz, et al. v. Bayer Corporation, et al.

San Joaquin County Superior Court

CPM successfully represented multiple individuals who were killed or injured after ingesting the drug Baycol, which was promoted by Bayer Pharmaceutical without alerting users of a severe muscle adverse reaction known as rhabdomyolysis.

In re Cable News Network and Time Magazine "Operation Tailwind" Litigation,

Sheppard v. Cable News Network, Inc.

USDC, Northern District of California

CPM represented Vietnam veterans in an action against Time and CNN who falsely reported to have committed war crimes in Laos.

QUI TAM CASES

Medical Laboratories Medi-Cal Fraud Case

Sacramento County Superior Court

CPM represented a whistleblower, Chris Riedel, who owns a lab company, Hunter Laboratories of Campbell, California. The California Attorney General's office joined the case in late 2008.

The lawsuit alleged that, despite state law requiring that California's Medi-Cal program receive the lowest price for lab services, Quest Diagnostics, the largest lab in California, and LabCorp, the second largest, routinely billed California prices far above what it was charging others. The case settled in 2011, recovering \$301 million in taxpayer money from the lab defendants, including \$241 million from Quest Diagnostics, Inc. The \$241 million settlement is the largest False Claims Act recovery in California history, and the largest single-state False Claims Act settlement ever in United States history.

California ex rel. Richardson v. Ischemia Research & Education Foundation
San Francisco Superior Court

CPM filed a Qui Tam California False Claims Act case against research foundation for failure to pay direct and overhead costs in clinical drug studies to its host university. (Settled, 1997)

United States v. Columbia HCA
USDC, Northern District of California

CPM filed a Qui Tam False Claims Act litigation against healthcare provider for false billing.

United States v. Tenet Healthcare Corporation
USDC, Central District of California

CPM filed a Qui tam False Claims Act litigation against healthcare provider for false claims for payment.

CONSUMER FRAUD CASES

Credit Counseling Industry Suit names Chase, Money Management International and Others
USDC, Central District of California

CPM filed a consumer fraud case against JP Morgan Chase & Co., Chase Manhattan Bank USA, Money Management International (also known as Consumer Credit Counseling Service) and Money Management By Mail, Inc. for fraudulent "debt counseling" and debt collections in the subprime credit industry.

Anastasiya Komarova v. MBNA America Bank, N.A.; National Credit Acceptance, Inc.
San Francisco Superior Court

In a rare jury trial against a credit card collection agency, a San Francisco jury ruled in favor of a young woman who was the victim of an abusive campaign to force her to repay a debt she never incurred. Anne Marie Murphy and Justin T. Berger, two Associates at CPM represented Anastasiya Komarova, who was awarded \$600,000 from National Credit Acceptance, Inc. in 2008. Komarova had been subjected to nearly a year of hostile telephone calls to her work place and a spurious arbitration proceeding, all over a bogus credit card debt and despite the fact that she repeatedly told the agency she never had an account with the credit card company in question. In issuing its verdict, the San Francisco Superior Court jury described National Credit Acceptance's conduct as "outrageous." The verdict is believed to be one of the largest verdicts in the country by a sole plaintiff alleging credit abuse.

Hidden Wireless Telephone Fees

San Mateo County Superior Court

CPM filed a class action lawsuit against AT&T Wireless, Sprint and Cingular Wireless for illegally charging subscribers for services, including "local number portability" fees, even though the services are not available. The case went to the Court of Appeal and is now back in the Superior Court.

In re: Hewlett-Packard Inkjet Printer Litigation

USDC, Northern District of California

CPM represents consumers who have been deceived by inaccurate low-on-ink warnings on Hewlett-Packard Inkjet Printers. The low-on-ink warnings appear even when there is a substantial amount of ink remaining in the ink cartridges, thereby misleading consumers into unnecessarily buying expensive ink cartridges.

Rich v. Hewlett-Packard

USDC, Northern District of California

CPM represents consumers in a class action lawsuit against Hewlett-Packard, which has designed its printers to use color ink even when printing in black and white. Hewlett-Packard does not disclose this design to consumers, who are forced to buy expensive color ink cartridges even when they only print simple black and white documents.

Citigroup

San Francisco County Superior Court

CPM filed a consolidated class action on behalf of mortgage "packing" and "flipping" victims. Nationwide class certification for settlement purposes, and final approval of settlement, 2003.

Ameriquest

San Mateo County Superior Court

CPM filed a "Bait and Switch" class action on behalf of mortgage borrowers. Class certified for all purpose in 2003. Settlement finally approved in 2005.

Northern Trust Bank of California

Los Angeles County Superior Court

CPM filed a class action on behalf of beneficiaries of fixed-fee trusts charged excess trustee fees over a 21 year period. Class certification for settlement purposes and final approval of settlement, 2005.

Old Republic

Wisper v. Old Republic Title Co.

Verges v. Old Republic Title Co.

San Francisco County Superior Court

CPM was Lead and liaison counsel in consolidated consumer class action against title company for unfair business practices regarding fee overcharges and "cost avoidance" relationships with banks. Class certified for all purposes. Verdict of \$14 million in 2001.

Household Lending

USDC, Northern District of California

CPM filed a nationwide class action on behalf of predatory lending victims. Class certification for all purposes, 2003. Final approval of settlement, 2004.

Fairbanks Capital Corp.

USDC, District of Massachusetts

CPM filed a nationwide class action against mortgage loan servicing company for charging various improper fees, costs and charges. Class certification for settlement purposes and final approval of settlement, 2004.

Massachusetts General Life Ins. Co.

Santa Clara County Superior Court

CPM filed a “vanishing premium” class action on behalf of life insurance policyholders. Class certified for all purposes, 1999.

Commonwealth Life Ins. Co.

Alameda County Superior Court

CPM filed a consumer fraud class action against provider of reverse mortgages to elderly consumers. Class certified on Business and Professional Code Violation for all purposes.

Transamerica HomeFirst, Inc.

San Mateo County Superior Court

69 Cal. App. 4th 577 (1999)

CPM filed a consumer fraud class action against provider of reverse mortgages to elderly consumers. Class certified on Business and Professional Code Violations for all purposes.

Stewart Title Co. of California

San Mateo County Superior Court

CPM represented 115 individual plaintiffs in 81 consolidated cases arising from pyramid scheme fraud relating to fractionalized deeds of trust.

In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices

Agius v. Louisiana-Pacific Corp.

USDC, Northern District of California

CPM filed a nationwide product defect/Lanham Act class action on behalf of owners and operators of building and homes with defective and improperly certified oriented strand board wood sheathing. (Class certified and settlement finally approved, 1998).

Executive Life

Los Angeles County Superior Court

CPM filed an action by Insurance Commissioner on behalf of failed insurance company (Filed April 1991); also filed as a class action. (Settled, 1994/95).

Goodyear Tire & Rubber Co.

USDC Southern District of California

CPM filed a class action on behalf of franchisees for unfair business practices. (Settled, 1996).

First Capital Holdings

San Diego County Superior Court

CPM filed a class action on behalf of policy holders of failed insurance company. (Settled, 1992/93).

Fidelity Federal Bank

USDC, Central District of California (1993)

824 F. Supp. 909

9th Circuit Court of Appeals (1996)

91 F. 3d 75

CPM filed a class action on behalf of adjustable rate mortgage borrowers.

In re: Diet Drugs (Phentermine, Fenfluramine, Dexfunfluramine) Products Liability

Los Angeles County Superior Court

USDC, Eastern District of Pennsylvania

CPM filed a consumer fraud and product liability individual actions on behalf of approximately 100 individuals.

Prop. 103

Calfarm Ins. Co. v. Deukmejian

48 Cal. 3d 805 (1989)

CPM filed a lawsuit on behalf of Ralph Nader and his organization regarding Proposition 103 (rate controls on insurance carriers).

BUSINESS CASES

Humboldt Creamery Litigation

Humboldt County Superior Court

CPM is representing the Liquidating Trustee of Humboldt Creamery, LLC in a lawsuit filed against the company's former Chief Executive Officer, Richard Ghilarducci, its Chief Financial Officer, Ralph A. (Tony) Titus and its independent auditor, Frank X.Gloeggler alleging financial fraud. Defendants are alleged to have had manipulated financial data by creating different sets of financial statements for different purposes and inflating revenue.

Siller v. Siller Brothers, Inc.

Sutter County Superior Court

CPM successfully represented a minority shareholder in a dissolution proceeding and trial establishing a value for his corporate interest at more than double that of the court appointed appraisers.

Olympus v. Taisei Construction

Santa Clara County Superior Court

CPM represented the owner of the prestigious Calistoga Ranch Resort in an action for fraudulent overbilling against Taisei Construction.

ENVIRONMENTAL AND TOXIC CASES

Lawsuit Against Caltrans to Protect Ancient Redwoods

USDC, Northern District of California

San Francisco County Superior Court

CPM filed an environmental action against Caltrans challenging Caltrans' approval of a controversial highway widening and realignment project alleging that they violated the California Environmental Quality Act in approving the project.

Cosco Busan Oil Spill

Tarantino, et al. v. Hanjin Shipping Co., Ltd., et al.

San Francisco County Superior Court

Loretz, et al. v. Regal Stone, Ltd., et al.

USDC, Northern District of California

CPM is co-lead counsel for settlement and litigation classes of San Francisco Bay fishermen economically injured by the November 7, 2007 Cosco Busan oil spill. (Partially Settled, 2010).

Californians for Native Salmon Litigation

221 Cal. App. 3d 1419 (1990)

Representative action regarding approval of timber harvest plans.

Avila Beach Environmental Litigation

Poist v. Unocal Corporation

San Luis Obispo County Superior Court

CPM represents owners of interest in timeshares in cost-side towns in an environmental toxic class action arising out of petroleum contamination and remediation efforts.

Cambria Community Services District/Chevron Litigation

San Luis Obispo County Superior Court

CPM represented Cambria Community Services District against Chevron for a leak which contaminated the town's drinking water supplies with MTBE. The firm was successful in securing a settlement for Cambria which permitted it to insure that alternate water sources were available for the community.

Santa Maria Valley Litigation

Story, et al. v. Unocal Corporation, et al.

Santa Barbara County Superior Court

Span, et al. v. Unocal Corporation, et al.

Santa Barbara County Superior Court

Adelhelm, et al. v. Unocal Corporation, et al.

Santa Barbara County Superior Court

Chabot, et al. v. Unocal Corporation, et al.

Santa Barbara County Superior Court

CPM represented homeowners and families living in Santa Maria, California, an old oil field which was the setting of the film *There Will be Blood*. When production in the oil field tapered off, residential communities were constructed atop the old oil fields – and on top of the waste

which the oil companies left behind. The firm has been successful in providing remedies to these families, who have been able to leave behind their polluted homes and communities and restart their lives.

Burbank Litigation

USDC, Central District of California

CPM represented homeowners for nuisance arising from environmental remediation efforts at site of massive toxic contamination.

Voisinet Litigation

Voisinet, et al. v. Unocal, et al.

San Luis Obispo County Superior Court

CPM represented home developers for nuisance and fraud arising out of petroleum contamination.

Bridgestone/Firestone Litigation

Dower, et al. v. Bridgestone/Firestone North American Tire, LLC, et al.

USDC, Northern District of California

CPM represented homeowners for toxic groundwater contamination released from the Crazy Horse Sanitary Landfill in Salinas, California.

AVIATION CASES

Asiana Flight 214 Crash

USDC, Northern District of California

CPM is currently representing several passengers who were aboard Asiana Airlines Flight 214 that crashed and caught fire while landing at San Francisco International Airport on July 6, 2013.

Tesla Plane Crash Litigation

San Mateo County Superior Court

CPM is representing victims of the February 17, 2010 crash of the Cessna 310R aircraft that took off from the Palo Alto Municipal Airport and collided with power lines, then crashed into multiple homes, narrowly missing a day care center. All three people killed in the plane crash were Tesla engineers.

Alaska Airlines Litigation

USDC, Northern District of California

CPM represented the survivors of one of the victims of crash of Alaska Airlines Flight 261 on January 31, 2000 off the coast of California.

Singapore Airlines Litigation

Thomas v. Singapore Airlines

USDC, Central District of California

CPM represented victims of the October 31, 2000 crash of a Singapore Airlines passenger jet in Taiwan in which 83 people were killed and dozens injured.

Montoya v. Bell Helicopter

USDC, Northern District of Texas

CPM represented the wife and children of the executive and against the helicopter manufacturer and the French company, which supplied the component parts. This case involved pursuit of a claim for product liability in the design of the engine shroud incorporated into a Bell helicopter, which crashed in the jungle of New Guinea killing a Chevron executive.

PSA Flight 1771 Litigation

Los Angeles County Superior Court

CPM represented victims of the December 7, 1989 air crash of a PSA jetliner near San Luis Obispo. The case was unique due to the focus on breaches of security by the airline and airport security, which permitted a disgruntled former airline employee to by-pass security with a gun later used to kill the pilot and crew during flight.

CONSTRUCTION CASES

Delgado vs. City of Millbrae, et al.

Santa Clara County Superior Court

CPM served as co-lead counsel in a successful 5-year battle against various engineers and contractors responsible for a hillside failure during the winter storms of 2001–2002.

ELDER ABUSE CASES

San Mateo County Public Guardian (Muhek) v. Miller

San Mateo County Superior Court

CPM filed an action on behalf of senior citizen against care giver who took life savings.

Santa Clara Public Guardian (McCulla) v. Walia

Santa Clara County Superior Court

CPM filed an action against the companies, real estate brokers and others as a result of \$1.4 million in fraudulent loans to a senior citizen.

Alameda Public Guardian (Bowie) v. First Alliance Mortgage

Alameda County Superior Court

CPM filed an action against lenders for allowing loans to be placed on senior citizen's home by a third party.

Melder v. Pacific Grove Convalescent Hospital

Monterey County Superior Court

CPM filed an action against nursing home for alleged inappropriate sexual behavior by employee.

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.

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 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. The Plaintiffs recovered their funds.

EMPLOYMENT CASES

Los Angeles Times / Zell

USDC, Northern District of Illinois

CPM represents current and former journalists of the Los Angeles Times in a lawsuit filed against Sam Zell, the Tribune Company and others for a breach of their fiduciary duties, violating ERISA, improper valuation and misuse of employee pension fund assets and conflicts of interest. Other allegations include that Tribune Company employees, who technically own the company through the Tribune ESOP, have been and continue to be damaged by the go-private transaction and by the subsequent mismanagement and self-dealings of Tribune executives, including Sam Zell, the result of which has been to diminish the value and the products of the employee-owned company.

Cynthia Sotelo, et al. v. MediaNews Group, Inc., et al.

Alameda County Superior Court

CPM represented a class of Hispanic newspaper carriers whose labor is exploited by the ANG Newspaper Group, a conglomerate news-media company. The class seeks damages for violations of the California Labor Code and Unfair Competition Laws.

PUBLIC INTEREST / HUMAN RIGHTS CASES

Lawsuit Filed Regarding Confiscated Armenian Lands

USDC, Central District of Los Angeles

CPM filed a class action on behalf of Armenians seeking compensation for confiscated properties and belongings as a result of the Genocide of 1915-1923. The lawsuit targets the Central Bank of Turkey and the Ziraat Bank as financial instruments of the Turkish Government. Defendants are alleged to selling and deriving income from real estate and personal property that was owned by hundreds of thousands of Armenians who were killed during the Genocide.

WWII Filipino Veterans Compensation

De Fernandez et al. v. US Dep't of Veterans Affairs, et al.

USDC, Northern District of California

CPM filed a class action on behalf of United States WWII Filipino Veterans, and their service organizations, challenging decisions by the VA to deny benefits to such veterans according to criteria that are arbitrary, capricious and impossible to satisfy.

FIRST AMENDMENT CASES

Sharper Image Corporation v. Consumers Union of United States

USDC, Northern District of California

CPM successfully defended under California's Anti-SLAPP statute of product disparagement claim brought by Sharper Image relating to reviews of Sharper Image's Ionic Breeze air cleaner published in Consumer Reports.

Kendall-Jackson Winery v. E.J. Gallo Winery

USDC Northern District of California

9th Circuit Court of Appeals (1998)

150 F. 3d 1042

CPM represented defendant in trade dress and unfair business practice litigation. (Judgment and verdict for defendant after jury trial).

Isuzu Motors Ltd. v. Consumers Union of the United States, Inc.

USDC, Central District of California

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against non-profit consumer testing organization. Jury verdict for Consumers Union after a two-month jury trial.

Suzuki Motor Corp. Japan v. Consumers Union of the United States, Inc.

USDC, Central District of California

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against nonprofit consumer testing organization. Summary judgment in favor of defendants was granted in May, 2000.

In re Cable News Network and Time Magazine “Operation Tailwind” Litigation

Sheppard v. Cable News Network, Inc.

USDC, Northern District of California

CPM represented Vietnam veterans against Time and CNN who falsely reported to have committed war crimes in Laos.

PERSONAL INJURY CASES

San Bruno Pipeline Explosion

San Mateo County Superior Court

CPM filed multiple actions on behalf of victims of the PG&E pipeline explosion which occurred in San Bruno. The natural gas-fed fire killed eight people and injured dozens more, and destroyed or damaged several dozen homes.

Murillo, et al. v. National Railroad Passenger Corporation, et al.

Contra Costa County Superior Court

CPM successfully represented the family of an elderly couple who were killed by an Amtrak train while their car was trapped at a dangerously designed grade railroad crossing in Crockett, California in an action against the National Railroad Passenger Corporation (“Amtrak”), Union Pacific Railroad Company and the State of California Department of Transportation.

Manlapaz, et al. v. Bills Trucking, et al.

Santa Clara County Superior Court

CPM represented the family of a woman who was killed after being crushed by a semi-truck with two dirt hauling trailers while she was crossing the street near a construction site in Mountain View, California.

Gonzalez v. Oil Can Henry's International

Monterey County Superior Court

CPM successfully represented a four-year-old child who suffered brain damage after being struck and run over by a driver at an oil change service shop which failed to properly control vehicle and pedestrian safety in conjunction with its promotion of quick service.

Balcony Collapse

San Francisco County Superior Court

CPM represented 13 victims of personal injuries and wrongful death arising out of Franklin Street balcony collapse in 1996.

In re MGM Grand Hotel Fire Litigation

570 F. Supp. 913 USDC, District of Nevada

MDL consolidated litigation by personal injury wrongful death claims in the mammoth fire that destroyed the MGM Grand in Las Vegas, Nevada.

Carnaham v. State of California

Fresno County Superior Court

CPM filed an action against the State of California and more than 100 separate defendants on behalf of scores of individuals killed or injured in a severe dust storm on I-5 over the Thanksgiving weekend in 1991.

Hyman v. Nahi

Orange Count Superior Court

CPM represented victims of balcony collapse against landlord and termite company in a case involving slum landlord conditions.

Walton v. Samuels

Los Angeles County Superior Court

CPM filed an action for lung injury victims arising out of a four-alarm apartment fire in a major disaster in Los Angeles.

Malhotra v. Nathan

San Francisco County Superior Court

CPM represented 13 victims of personal injuries and wrongful death arising out of Franklin Street balcony collapse in 1996 in San Francisco.

In re Diet Drug Litigation

Los Angeles County Superior Court

In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation
USDC, Eastern Division of Pennsylvania

CPM filed consumer fraud and product liability individual actions on behalf of approximately 100 individuals.

Adleson v. United States

USDC, Northern District of California

523 F. Supp. 459 (1981)

MDL actions for product liability of the Swine Flu Immunization Program out of Washington, D.C.

INSURANCE CASES

Dupell v. Massachusetts General Life Ins. Co.

Santa Clara County Superior

CPM filed “vanishing premium” class action on behalf of life insurance policyholders. Class certified for all purposes, 1999.

Prop. 103 Litigation

Calfarm Ins. Co. v. Deukmejian

48 Cal. 3d 805 (1989)

Litigation regarding Proposition 103 (rate controls on insurance carriers) on behalf of Public Citizen.

INTELLECTUAL PROPERTY CASES

Kendall-Jackson Winery v. E&J Gallo Winery

USDC, Northern District of California

150 F. 3d 1042 (9th Cir. 1998)

CPM represented defendant in trade dress and unfair business practice litigation. (Judgment and verdict for defendant after jury trial.)

MP3.Com Copyright Cases

USDC, Southern District of New York

CPM filed multiple cases alleging that MP3.Com committed copyright infringement. Issues of infringement and damages.

Dolores Huerta et al v. Corbis Corporation

USDC, Northern District of California

CPM represented defendant Huerta, muralists Susan Kelk Cervantes and Juana Alicia, and the United Farm Workers Union of America against Internet retailer Corbis for the illegal sale of copyrighted and trademarked images.

WAGE AND HOUR CASES

Cynthia Sotelo, et al. v. MediaNews Group, Inc., et al.

Alameda County Superior Court

CPM represented a class of Hispanic newspaper carriers whose labor is exploited by the ANG Newspaper Group, a conglomerate news-media company. The class seeks damages for violations of the California Labor Code and Unfair Competition Laws.

In re: Wachovia Securities, LLC, Wage and Hour Litigation

USDC, Central District of California

CPM has been designated co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits against Wachovia Securities, LLC, on behalf of over 10,000 current and former stock brokers who were not paid in accordance with state and federal law.

In re: AXA Wage and Hour Litigation

USDC, Northern District of California

CPM has been appointed co-Lead Plaintiffs' Counsel by a federal judge in a collection of lawsuits against the AXA family of insurance companies, on behalf of over 7,000 current and former financial sales representatives who were not paid in accordance with state and federal law.

LaParne, et al. v. Monex, et al.

USDC, Central District of California

CPM represents current and former sales representatives in a federal lawsuit against Monex, a commodities trading company based in Southern California, for failure to pay overtime, failure to provide meal and rest breaks, and other violations of state and federal law.

WRONGFUL DEATH CASES

Murillo, et al. v. National Railroad Passenger Corporation, et al.

Contra Costa County Superior Court

CPM successfully represented the family of an elderly couple who were killed by an Amtrak train while their car was trapped at a dangerously designed grade railroad crossing in Crockett, California in an action against the National Railroad Passenger Corporation ("Amtrak"), Union Pacific Railroad Company and the State of California Department of Transportation.

Manlapaz, et al. v. Bills Trucking, et al.

Santa Clara County Superior Court

CPM represented the family of a woman who was killed after being crushed by a semi-truck with two dirt hauling trailers while she was crossing the street near a construction site in Mountain View, California.

In re MGM Grand Hotel Fire Litigation

570 F. Supp. 913 USDC, District of Nevada

MDL consolidated litigation by personal injury wrongful death claims in the mammoth fire that destroyed the MGM Grand in Las Vegas, Nevada.

Carnaham v. State of California

Fresno County Superior Court

CPM filed an action against the State of California and more than 100 separate defendants on behalf of scores of individuals killed or injured in a severe dust storm on I-5 over the Thanksgiving weekend in 1991.

Hyman v. Nahi

Orange County Superior Court

CPM represented victims of balcony collapse against landlord and termite company in a case involving slum landlord conditions.

Malhotra v. Nathan

San Francisco County Superior Court

CPM represented 13 victims of personal injuries and wrongful death arising out of Franklin Street balcony collapse in 1996 in San Francisco.

OUR ATTORNEYS

PARTNERS

JOSEPH W. COTCHETT

As stated by the National Law Journal, Joseph W. Cotchett is considered by plaintiffs and defense attorneys alike to be one of the foremost trial lawyers in the country. He has been named one of the 100 most influential lawyers in the nation for the past 15 years.

As reported in the San Francisco / Los Angeles Daily Journal, he is “considered one of the best trial strategists in the state” who built a career out of representing the underdog against powerful interests. He is a fearless litigator and once tried two cases at the same time (one in the morning and one in the afternoon) and won them both in San Diego Superior Court in 1984. His clients range from corporate giants to groups like Consumers Union – but the issue must be correct for Cotchett. In 2003, the San Francisco Chronicle rated him as one of the best in the Bay Area, saying, ***“The Burlingame attorney has had a star career that’s not only talked about in legal circles but has made headlines around the country. Known mostly as a plaintiffs’ lawyer, many of his cases are filed on behalf of fraud victims, and have a widows-and-orphan flavor to them.”*** Cotchett consistently has been named one of the most influential lawyers in California, and has been named by the legal press as one of the top 10 trial attorneys in the state and has been listed in every edition of Best Lawyers in America since its inception.

During his 45-plus year legal career, he has tried more than 100 cases to verdict, and settled hundreds more, winning numerous jury verdicts, ranging from multi-million dollar malicious prosecution jury verdicts to several defense verdicts in complex civil cases. He successfully negotiated a multi-million dollar settlement in a qui tam suit on behalf of the University of California and hundreds of millions of dollars in antitrust, securities and major fraud cases. In the 1980s, Cotchett won mammoth judgments and settlements for investors in white-collar fraud cases, with jury verdicts of more than \$200 million arising out of the collapse of the Technical Equities Corp. in San Jose. He is known nationally as the lead trial lawyer for 23,000 plaintiffs in the Lincoln Savings & Loan Association/American Continental Corp. downfall in 1990 involving Charles Keating and others. He won one of the then largest jury verdicts, \$3.3 billion. He obtained nearly \$300 million in settlements from lawyers, accountants and other professionals caught up in the scandal in a jury trial in Tucson, Arizona.

He has represented both the National Football League and teams since the early 1980s in various legal actions. As counsel for E. & J. Gallo Winery, he won a defense jury verdict in a celebrated trade dress infringement case involving a wine produced by Gallo and the firm regularly represents Gallo in numerous matters.

In recent years, Cotchett has taken on major corporate entities and Wall Street. He and the firm are involved in litigation resulting from nearly every major corporate scandal including Enron, Worldcom, Global Crossing, Homestore.com, Qwest, Montana Power Company, Lehman, Bank of America, Goldman Sachs and numerous others on behalf of private investors and public

pensions. The firm has represented the California Public Employees' Retirement System, California State Teachers' Retirement System, and the University of California Board of Regents, along with numerous political subdivisions of the state, such as counties, cities and districts.

In 2000, he served as trial counsel for Consumers Union, successfully defending the watchdog consumer group in a product disparagement and defamation suit. Isuzu Motors of Japan had sued Consumers Union for disparagement to the 1995-96 Trooper, claiming millions in damages. Following an eight-week trial, a jury ruled in favor of Consumers Union. Trial Lawyers for Public Justice honored Cotchett as "Trial Lawyer of the Year Finalist" in 2000 in honor of his "outstanding contribution to the public interest" through his work for Consumers Union. Also in 2000, Consumer Attorneys of California gave Cotchett its "Presidential Award of Merit." In 2004, he was the lead trial counsel for Consumers Union in a product defamation suit. The suit was dismissed in what was considered a major victory for a free press and the First Amendment. Cotchett is involved in extensive pro bono work. In one such case, he brought a lawsuit against the United States Navy on behalf of 8,600 Amerasian children in the Philippines who were left in villages after the closing of the Subic Bay Naval Base. The case ended in a settlement giving direct U.S. aid to the children fathered by U.S. servicemen and a television documentary on the subject. He regularly takes on pro bono causes including environmental and public policy matters and the firm represents and advises several Native American groups.

In 2002, Cotchett successfully represented the Chief Justice of the California Supreme Court and the individual judges and members of the Judicial Council, in litigation brought against them by the New York Stock Exchange and the National Association of Securities Dealers. The two Wall Street forces had filed suit against the Judicial Council challenging the State of California on establishing guidelines for arbitrators who hear complaints from investors in the state.

Cotchett received his B.S. in Engineering from California State Polytechnic University, San Luis Obispo in June 1960, being named an Outstanding Graduate, and his J.D. from Hastings College of Law at the University of California in June 1964. In June 2002, Cotchett received an Honorary Doctor of Laws from Cal Poly and The California State University Board of Trustees. In May 2006, Cotchett received an Honorary Doctor of Letters from Notre Dame de Namur University. In May 2011, Cotchett received an Honorary Doctor of Letters from the University of San Francisco. In each case, he was the graduation speaker honored by the Universities.

Following California Polytech, he served in the U.S. Army Intelligence Corps, followed by years as a Special Forces paratrooper and JAG Corps officer, in the active reserves, and retired in 1991 with the rank of Colonel. He is a member of many veteran and airborne associations having served on active duty 1960-1961. From 2001 to 2005, he served on the board of the Army War College Foundation in Carlisle, Pennsylvania. The Foundation supports the prestigious Army War College at Carlisle Barracks, the graduate school for the senior commanders of all branches of the service, including officers from foreign allies.

He has been an active member of national, state and local bar associations, including the California, New York and District of Columbia bars. He is a Fellow of the prestigious American College of Trial Lawyers and The International Society of Barristers and an Advocate in the

American Board of Trial Advocates. He also is a Fellow and former board member of The International Academy of Trial Lawyers. A former Master of the American Inns of Court, he serves on various advisory boards for professional organizations.

He also has served on the Advisory Board of the Witkin Institute, the mission of which is to further B.E. Witkin's commitment to advancing the understanding of California law and improving the administration of justice.

He is the author of numerous articles and a contributing author to numerous magazines. His books include California Products Liability Actions, Matthew Bender; California Courtroom Evidence, LexisNexis; Federal Courtroom Evidence, LexisNexis; Persuasive Opening Statements and Closing Arguments, California Continuing Education of the Bar (1988); The Ethics Gap, Parker & Son Publications (1991); California Courtroom Evidence Foundations, Parker Publications (1993); and numerous law review articles. He is a prolific author of op-ed pieces and articles on public policy, environmental issues and public integrity. In 2002, he co-authored and published the book The Coast Time Forgot, a historic guide to the San Mateo County coast.

Cotchett serves on the Federal Judicial Advisory Committee that submits and reviews federal judicial nominations in California to President Obama. The committee was authorized by the Obama Administration and California's two Democratic senators, Dianne Feinstein and Barbara Boxer. Cotchett is Chair of the Boxer Committee for the Central District of California (Los Angeles) and advises statewide. Cotchett also serves on a Judicial Advisory Committee to Governor Jerry Brown on state judicial appointments.

Cotchett has lectured at numerous law schools including Harvard Law School, the University of Southern California, Georgetown Law Center, Stanford, Boalt, and his alma mater U.C. Hastings. His subjects include complex cases, evidence, trial practice and professional ethics. He also is a keynote public speaker and lecturer on contemporary subjects of law.

He has been honored by the State Bar of California by serving on the Board of Governors from 1972 to 1975. Cotchett served on the California Judicial Council from 1976 to 1980; the Board of Directors, Hastings College of Law, University of California for twelve years; California Commission on the Future of the Courts; the California Select Committee on Judicial Retirement, the California Blue Ribbon Commission on Children in Foster, the latter three appointed by the Chief Justice of California.

His civic work includes past memberships on the board of directors of the San Mateo County Heart Association; San Mateo Boys & Girls Club (Past President); Peninsula Association of Retarded Children and Adults; Bay Meadows Foundation; Disability Rights Advocates; and numerous Bay Area organizations. He formerly served as a member of the board of Public Citizen in Washington, D.C. and served on the board of Earth Justice.

In 1996, he was awarded the Anti-Defamation League's Distinguished Jurisprudence Award. The award was established to recognize individuals in the legal community who have exhibited

humanitarian concerns, and whose everyday actions exemplify the principals on which the Anti-Defamation League was founded.

In 1999, Cotchett was inducted by the State Bar of California to the Litigation Trial Lawyers Hall of Fame. This award is given to professionals who have excelled as trial lawyers and whose careers exemplify the highest values and professional attainment.

In 2000, the University of California Hastings College of Law opened the Cotchett Center for Advocacy recognizing Cotchett as one of its outstanding graduates. Chief Justice Ronald M. George of the California Supreme Court and Associate Justice Anthony Kennedy of the U.S. Supreme Court honored Cotchett as speakers at the Founder's Day dedication of the center. In November of 2006, Notre Dame de Namur University in Belmont, California dedicated the Joseph W. Cotchett Business Lab for students.

In March of 2000, Cotchett was named to the California State Parks Commission by Governor Gray Davis. The commission establishes general policies for the guidance of the Parks Department in the administration, protection and development of the 260 state parks in the system. He served as Chairperson in 2002-2003.

In 2003, Cotchett was honored by Disability Rights Advocates for his nearly 40 years of civil rights work. At a San Francisco dinner in October attended by lawyers, judges and community leaders, this was how Cotchett was described:

Joe Cotchett has been a champion for justice since his college days. As an engineering student in North Carolina, Joe challenged segregation by drinking from segregated water fountains and riding in the back of buses. Later, as a student at Cal Poly, in 1958 Joe successfully established the first integrated fraternity, which prompted the other fraternities on campus to follow suit. Joe's legal career has involved representing the underdog and doing extensive pro bono work. His civil rights commitment has been leveraged over and over by his financial support of legal fellowships. He has given a 'kick-start' to the public interest careers of the new law graduates at Trial Lawyers for Public Justice, Public Citizen, Southern Poverty Law Center and Disability Rights Advocates. Through these fellowships, Joe has helped to ensure social change through law. Joe guided DRA as a board and litigation committee member from its infancy years into the defender of disability rights it has become today.

In 2004, continuing a distinguished history of community and civic involvement, Cotchett endowed a \$7 million fund to support science and mathematics teacher education at California State Polytechnic University to serve inner city and rural minority children. To honor Cotchett, the university renamed its landmark Clock Tower building the "Cotchett Education Building." The gift supports science and mathematics teacher education initiatives at Cal Poly through the University Center of Teacher Education and the College of Science and Mathematics.

In 2011, Cotchett was inducted into the prestigious American Trial Lawyer Hall of Fame for his work nationwide in civil rights, and litigation on behalf of the under-privileged in our society. In 2011, he received the Distinguished Service Award from the Judicial Council of California and named the Antitrust Lawyer of the Year by the State Bar. In April of 2011, he was honored by

the California League of Conservation Voters with the Environmental Leadership Award and honored by the Consumer Watchdog with the Lifetime Achievement Award.

Cotchett and his family members are active in numerous Bay Area charitable organizations involving animals, children, women and minorities. They established the Cotchett Family Foundation that aids individuals and groups in need of assistance.

FRANK M. PITRE

Frank M. Pitre, a San Francisco native, earned his B.S., Cum Laude, in Business Administration and his J.D. from the University of San Francisco. While at USF, Pitre served a legal externship with the California Supreme Court.

Considered to be one of the outstanding trial lawyers in areas of personal injury/wrongful death, consumer fraud and commercial torts, Pitre has won millions of dollars for victims of injustice. His skill as a trial lawyer has earned him recognition among his peers who have elected him as a member of the prestigious American College of Trial Lawyers, American Board of Trial Advocates, International Academy of Trial Lawyers, International Society of Barristers, and the National Board of Trial Advocacy.

Recently, Pitre recovered the largest individual wrongful death verdict in San Diego County history, when a jury awarded \$17.4 million to the wife and three children of a high ranking U.S. Naval Officer, who was killed while riding his bike in a collision with an American Medical Response transport van. *Mazurek, et al. v. American Medical Response, et al.*, San Diego Superior Court Action No. 10-83975 May 20, 2011. As a result, he was named a finalist for the 2011 Trial Lawyer of the Year by the Consumer Attorneys of California.

Currently, Pitre serves as Co-Lead Counsel for the Economic Loss Class Plaintiffs in the nationwide Toyota Sudden Acceleration Cases, having been appointed by Federal District Court Judge James Selna. In *Re: Toyota Unintended Acceleration Marketing Sales Practices and Product Liability Litigation, MDL 2151 JVS*. In addition, he was appointed Plaintiffs Liaison Counsel by San Mateo Superior Court Judge Steven L. Dylina, to spearhead the coordination and prosecution of over 200 claims against PG&E arising out of the San Bruno Fire which occurred on September 9, 2010, when a natural gas pipeline exploded. In *Re: San Bruno Fire Cases, JCCP Action No. 4648*.

In 2009, Pitre was recognized by the National Law Journal's "Plaintiff's Hot List" for his work as co-lead trial counsel in the *In Re: Bextra and Celebrex Mktg., Sales Practices & Product Liability Litigation (MDL 1699)*, which culminated in Pfizer agreeing to pay \$894 million to settle consolidated injury and class action cases related to its pain killers Bextra & Celebrex. In 2006, Pitre obtained one of the largest verdicts in Sutter County history where he obtained over \$45 million on behalf of an elderly minority shareholder who had been frozen out of participation in a lucrative family timber harvesting business. *Siller v. Siller, Sutter County Superior Court Action No. CVCS01-1083*.

He is a past president of Consumer Attorneys of California (CAOC), the 3,000-member group of lawyers dedicated to protecting and seeking justice for consumers.

Pitre served as liaison counsel and a member of the Plaintiffs Steering Committee in the Alaska Air Flight 261 air crash. In addition, he was a member of the Plaintiffs Executive Committee arising out of the Singapore Airlines Flight 006 air crash in Taiwan. Immediately prior to his committee appointments in Alaska Air and Singapore Airlines, he served as a member of the Plaintiffs Management Committee in the California Diet Drug Litigation where thousands of individuals were victimized by the diet pill combination Fen-Phen, which was condemned by the FDA for causing adverse health effects.

Pitre's numerous jury trials include a multi-million dollar wrongful death verdict in Orange County Superior Court in Santa Ana, California, against the State Department of Transportation, a highway contractor and a trucking company. The verdict, one of the largest of its kind for Orange County at the time, was affirmed on appeal, and as a result Pitre was a finalist for CAOC's Trial Lawyer of the Year award (2004).

Pitre served as co-lead trial counsel for Consumers Union, obtaining a defense verdict in favor of Consumers Union in a product disparagement case where the plaintiff, Isuzu Motors of Japan, sought damages of multi-million dollars. His work in defense of Consumers Union earned him recognition as a finalist for Trial Lawyer of the Year Award 2000.

Pitre won a multi-million dollar verdict for the victims of a high profile San Francisco balcony collapse. He also secured a significant verdict for compensatory and punitive damages before a San Francisco jury which found the defendant to have wrongfully deprived the plaintiff of her partnership interest in a successful business. In addition, he served as co-lead trial counsel with Joseph W. Cotchett for E. & J. Gallo, winning a landmark trade dress infringement case for the winery.

His notable federal class action cases include *Livingston v. Toyota Motor Sales USA, Inc.*, involving a nationwide antitrust class action under the Sherman Act by purchasers of more than three million Toyota vehicles.

His experience in mass tort cases began in 1987 with the PSA Air Crash Cases, representing numerous plaintiffs in wrongful death actions following the crash of PSA Flight 1771, where he served as a member of the Plaintiffs Steering Committee, and later as plaintiffs co-lead trial counsel for the six-week jury trial which established the defendants' liability. The success of the PSA Air Crash Cases led to his appointment as a member of the Plaintiffs Steering Committee in *Carnahan et al. v. State of California*, which successfully resolved hundreds of claims for personal injuries and damages against more than 100 defendants.

Pitre is the author of numerous articles, including "Abuse of Process," California Tort Damages, California Continuing Education of the Bar, 1988; and "Tort Trends," The Docket, San Mateo County Bar Association, 1989-1994. He is co-author of "Jury Instructions: A Practical Approach to their Use," Civil Litigation Reporter, March, 1984; "Arguing Punitive Damages," Civil Litigation Reporter, California Continuing Education of the Bar, 1991; "Effective Opening

Statements,” California Litigation, Journal of The Litigation Section, California State Bar, 1991; “Jury Trial Tips: Witnesses,” California Litigation, Journal of The Litigation Section, California State Bar, 1991; and “Winning Through a More Effective Direct Examination,” California Litigation, Journal of the Litigation Section, California State Bar, 1991. Since 1998 he has served as the author of the Annual Supplement to “California Personal Injury Proof,” published by the California Continuing Education of the Bar.

Pitre has served on the faculty of the Hastings College of Advocacy and the University of San Francisco Trial Advocacy Program. He also has served as the Co-Chair and presenter at several Masters In Trial programs sponsored by the ABOTA Foundation.

NIALL P. McCARTHY

Niall P. McCarthy, a principal at Cotchett, Pitre & McCarthy, LLP, is a graduate of the University of California at Davis and Santa Clara University School of Law. He has practiced with the firm since 1992.

McCarthy has repeatedly been selected as one of the top plaintiff attorneys in California and the United States by multiple publications, including the Daily Journal, the National Law Journal, and Lawdragon Magazine. From 2004 to 2013 he was selected as a Northern California "Super Lawyer" by San Francisco Magazine. He has the highest possible rating, AV, from Martindale-Hubbell. McCarthy was also selected as one of the Top 100 Lawyers in California by the Daily Journal and he received a California Lawyer Magazine Attorney of the Year (CLAY) Award.

McCarthy has represented qui tam realtors in False Claims Act cases in state and federal courts. McCarthy handled the Hunter Laboratories Litigation in which he negotiated the then largest False Claims recovery in California history, \$301 million. In the mid 1990s, he was the lead attorney in a groundbreaking case brought under the California False Claims Act on behalf of the University of California San Francisco with respect to direct and overhead costs to the university. McCarthy has extensive experience pursuing false claims cases arising out of health care fraud against the government. He coauthored the articles "Qui Tam Litigation, A Primer for the General Litigator," "Answering the Call: Attacking Healthcare Fraud with the False Claims Act," "Recent Developments in False Claims and Healthcare Litigation," and "False Claims Act Fundamentals." He is presently working with the Department of Justice and Attorneys General offices in several states on False Claims cases.

McCarthy has handled many consumer fraud class actions. He has acted as Co-Lead National Class Counsel in actions against some of the largest banks and credit card companies in the country, which returned hundreds of millions of dollars to consumers. He is the author of "Home Equity Loss in California Through Predatory Lending," "Combating Predatory Lending in California," and has spoken in many forums on consumer fraud.

McCarthy also has practiced extensively in the area of elder abuse, including obtaining multi-million dollar recoveries on behalf of senior citizens in actions involving reverse mortgages. He has been retained by San Mateo County, Santa Clara County, Alameda County and Santa Cruz

County to prosecute financial elder abuse cases. In addition, he has handled many notable cases against nursing homes, including well-publicized actions for the families of three victims who died at a San Mateo County nursing home during a heat wave, and an action on behalf of a developmentally disabled person who was severely burned while left unattended in a nursing home shower.

He authored "The Elder Abuse Statute: California's Underutilized Law," "Elder Abuse: Recent Legal and Legislative Developments," "Financial Elder Abuse in Real Estate Transactions Under the 2000 Revisions to the Elder Abuse Act" and "Elder Abuse Claims Not Subject to MICRA." He is a frequent speaker on elder abuse and has been featured in California Lawyer with respect to his work for seniors.

McCarthy has received many legal service awards including the William Nagle, Jr. Memorial Award from the San Mateo County Bar Association for innovations in the law and for professionalism, the Community Service Award from Santa Clara University School of Law for his work on behalf of consumers, the Bar Association of San Francisco's Award of Merit, the Access to Justice Award from the Lawyer's Club of San Francisco and the California Supreme Court Chief Justice's Award for Exemplary Service and Leadership.

McCarthy's other notable cases include compelling an insurance company to pay for a lifesaving bone marrow transplant for a cancer patient, and obtaining a punitive damage jury verdict in a case which unveiled a multi-state health insurance fraud. McCarthy obtained a defense award on a multi-million-dollar fraud claim against his clients, and obtained a million-dollar recovery for the same clients on a cross-complaint in a year-long arbitration arising out of a failed healthcare industry merger. As co-lead counsel, he tried an action on behalf of the victims of a balcony collapse in San Francisco which resulted in a \$12 million verdict. He served as lead class counsel obtaining a \$15 million dollar verdict against Old Republic Title Co. after a trial in San Francisco Superior Court. He also obtained a substantial verdict against the government in a high profile FTCA case after a trial in federal court. McCarthy also prosecuted a case which returned \$10 million to a non-profit organization in Alameda County. In 2012, he obtained a punitive damage jury verdict after trying an elder abuse case against a nursing home. McCarthy has tried cases in state and federal court, including class actions. He has also won multiple FINRA arbitrations.

McCarthy is a past president of the Consumer Attorneys of California and the San Mateo County Trial Lawyers. He was chairman of the Business Litigation Section of the San Mateo County Bar Association. He is currently a co-chair of the Open Courts Coalition, a diverse group of attorneys from all practice areas whose goal is to restore court funding. McCarthy has been an MCLE panelist on many topics including courtroom conduct, complex litigation, financial fraud, financial and physical elder abuse, the fundamentals of business litigation, Business and Professions Code 17200, predatory lending, qui tam actions, discovery for trial, trial of class actions, the Consumer Legal Remedies Act and taking effective depositions. He also is active in various Peninsula community activities, including having served as chairman of the Board of Directors of Community Gatepath, a nonprofit organization which benefits children and adults with disabilities. McCarthy received ABC 7/KGO TV's "Profiles of Excellence" Award for his work on behalf of Community Gatepath.

HON. FRANK C. DAMRELL, JR. (RET.)

Hon. Frank C. Damrell, Jr. (Ret.), a principal at Cotchett, Pitre & McCarthy, was a distinguished Federal Judge of the United States District Court, Eastern District of California.

Prior to Damrell's appointment as a Federal Judge in 1997 by President Clinton, Damrell was a Deputy Attorney General for the State of California and a Deputy District Attorney in Stanislaus County. Damrell started his own law firm in 1968 in Modesto and headed that firm until his appointment to the United States District Court.

During his career as an Attorney, Damrell was a leader of numerous charitable, educational, political, and cultural organizations and activities. He served as President of the Consumers Federation of California, and subsequently, was appointed to the California State Consumer Advisory Council by Governor Ronald Reagan and was appointed Chair of the Advisory Council by Governor Jerry Brown. He served on the Board of Regents for University of Santa Clara, the Board of Visitors for the University of Santa Clara Law School, the Board of Overseers of the McCarthy Center for Public Services, University of San Francisco, and the Board of Trustees, University of California, Merced.

During Damrell's judicial service, he was appointed to numerous national and circuit judicial committees, including the Judicial Branch Committee of the United States Judicial Conference, Chair of the Judicial Branch Subcommittee on Civic Education for the Federal Judiciary, and 9th Circuit Education Committee. In addition, Damrell was a leader of the National Advisory Committee on Judicial Pay.

On December 8th, 2008, Judge Damrell was appointed by Chief Justice of the United States, John Roberts, to serve on the Judicial Panel on Multidistrict Litigation. He served on the panel until his retirement.

Judge Damrell presided over numerous civil and criminal jury and bench trials and has written numerous opinions and orders in the fields of environmental law, civil rights, employment law, anti-trust, copyright and patent law, banking, real estate, and commercial law. In addition, Judge Damrell has had extensive experience in the mediation of complex matters in federal court. As a nationally recognized advocate for civic education, Judge Damrell was selected by the Chief Justice of the California, Tani Cantil-Sakauye, to be a leader of the Federal/State Steering Committee on Civic Education.

He has been an invited guest speaker at national and state conferences of educators, law schools, and bar associations and has been the Commencement Speaker at the University of Santa Clara School of Law and the University of the Pacific McGeorge School of Law.

MARK C. MOLUMPHY

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

Molumphy joined Cotchett, Pitre & McCarthy in 1993, practicing civil litigation with an emphasis on complex business disputes, securities, antitrust, insurance bad faith, and products liability. In 1996, Molumphy 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.

Molumphy has extensive experience in consumer and investor fraud class actions, including *Smith v. Merrill Lynch (Orange County Bond Litigation)*, *Estate of Jim Garrison v. Warner Bros. Inc.*, *Campbell v. Acclaim Entertainment, Inc.*, *In re Pilgrim Securities Litigation* and *Central Bank Litigation*. More recently, he has been involved as lead counsel in the groundbreaking Apple stock option backdating litigation, the Informix securities litigation which involved the restatement of revenues in excess of \$300 million, and on the Sybase, CBT and Rational Software derivative cases, resulting in millions of dollars recovered for the companies and their shareholders. Molumphy also negotiated multi-million dollar settlements on behalf of former shareholders of Bay Meadows Race Track and mutual fund shareholders of Janus.

He presently serves as lead counsel for a nationwide class of investors of Medical Capital, which operated a multi-billion dollar Ponzi scheme, as well as lead counsel in the Freddie Mac preferred shareholder securities litigation, following the government's historic takeover. Molumphy also serves as co-lead Counsel for investors of BP, relating to the losses from the Gulf of Mexico disaster and represents numerous cities and counties in California related to their investment losses in Lehman Brothers, Washington Mutual and AIG, amongst others.

He is active in community affairs. He served on the Board of Directors and 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.

In September 2007, the Parca Auxiliary honored Molumphy and Cotchett, Pitre & McCarthy with "Parca's Angel Award." Molumphy and Neil Swartzberg accepted the award in recognition of the law firm's donations to Parca Organization, a private nonprofit association that serves people with developmental disabilities and their families in the Bay Area. Molumphy expressed hope that other law firms and companies will be encouraged to give back to the community with this example.

Molumphy 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."

STEVEN N. WILLIAMS

Steven N. Williams joined Cotchett, Pitre & McCarthy in 1997 and became a partner of the firm in 2003. Williams practices exclusively in the fields of litigation, trial, and client counseling. Williams concentrates in the fields of business disputes, constitutional law, environmental, securities, antitrust and consumer law.

Representative Clients:

Chief Justice of California Ronald George; California Judicial Council; residents of Avila Beach, California; residents of Santa Maria, California; residents of Burbank, California; California State Teachers' Retirement System; Regents of the University of California; Cambria Community Services District; Consumers Union of United States, Inc.; United Farm Workers; Dolores Huerta; City of Oakland, California; E. & J. Gallo Winery; borrowers from Ameriquest (class action); purchasers of iPods (class action); purchasers of air transportation between UK and US (class action); purchasers of flash memory products (class action); purchasers of SRAM memory products (class action); purchasers of Kodak copier equipment and parts (class action).

Representative Matters:

Represents End-Payor Plaintiffs against several auto companies whose auto parts prices were artificially raised, maintained or stabilized at a supra-competitive level by defendants and their co-conspirators. The auto parts included in this action are: Wire Harness Systems, Ball Bearings, Fuel Senders, Heating Control Panels, Instrument Panel Clusters and Occupant Safety Systems.

Represents direct purchasers on behalf of businesses and consumers of freight forwarding and logistic services alleging a world-wide conspiracy to fix prices for the shipment of goods.

Represents direct purchasers in a complaint against several semiconductor companies for allegedly price fixing optical disk drive products.

Represents (as lead counsel) class alleging antitrust violations in the market for worldwide passenger air transportation into and out of seven Asian nations.

Represented (as lead counsel) class alleging antitrust violations in the market for SRAM. This action recovered overcharges to a nationwide class of consumers of SRAM memory chips, which were subject to concerted price-fixing by their manufacturers.

Represented (as lead counsel) class alleging antitrust violations in the market for Flash memory. This action, similar to the SRAM action, sought to recover overcharges to a nationwide class of consumers of flash memory, such as memory sticks and cards routinely used to store and transfer data.

Represented (as lead counsel) class alleging antitrust violations in the market for passenger air transportation between the US and the UK. This action led to a settlement valued at over \$200 million for passengers overcharged by a price-fixing conspiracy involving air travel between the US and London, England.

Represented Chief Justice George, California Judicial Council, and its members in action brought by New York Stock Exchange and NASDAQ challenging California's Ethics Rules for Neutral Arbitrators. The New York Stock Exchange and NASDAQ alleged that California's Ethics Rules for Neutral Arbitrators were preempted by federal law.

Represented California State Teachers' Retirement System in separate actions recovering losses suffered due to securities fraud by AOL/Time Warner and Qwest. In these actions, California's public school teachers recovered over \$150 million in losses to their pension and retirement funds.

Represented City of Oakland, California in defense of anti-predatory lending ordinance challenged by American Financial Services Association on preemption grounds. In this action, lobbyists for the banking industry challenged an ordinance passed by the City of Oakland to regulate certain predatory lending practices that were believed to cause damage to the City of Oakland and its residents. We successfully defended the ordinance at both the trial court level, and in a unanimous decision of the Court of Appeals. Ultimately, in a 4-3 decision (with the majority opinion written by Justice Janice Rogers Brown, the decision of the Court of Appeals was reversed. Chief Justice George wrote a dissent expressing his view that the ordinance was not preempted.

Represented residents of Avila Beach, California in action to redress damage caused by pollution throughout Avila Beach. In this action, Union Oil Company of California had permitted over 400,000 gallons of refined petroleum products beneath the small seaside town of Avila Beach. The action led to the complete remediation and restoration of the town.

Represented Consumers Union of United States, Inc. (publisher of Consumer Reports) in defense of defamation/product disparagement actions brought by Suzuki, Isuzu, and Sharper Image. In each of these actions, the manufacturers sought to silence Consumers Union and inhibit its free speech right to warn consumers of dangerous and ineffective products. In each action, Consumers Union's free speech rights were vindicated. Williams accomplishments in the Suzuki and Isuzu cases resulted in being a Trial Lawyers for Public Justice Trial Lawyer of the Year Finalist in 2000.

Represented residents of Santa Maria, California, whose community was devastated as a result of oilfield pollution left behind by numerous multinational oil companies, including Unocal, Chevron, ConocoPhillips, and Kerr-McGee. These actions have enabled residents to move to new homes, leaving behind their polluted neighborhood.

Represented Cambria Community Services District, the sole water provider for the small coastside town of Cambria, in an action against Chevron to recover damages for harm caused when community water supplies were polluted with MTBE. The recovery permitted Cambria to provide replacement water for the community.

Represented class of mortgage borrowers from Ameriquest challenging Ameriquest's business practices. In this action we were successful in uncovering Ameriquest's mortgage scheme which was based upon intentionally placing borrowers in mortgages that Ameriquest knew they could not afford. Class wide relief was obtained, including business practice changes.

Williams received his undergraduate degree from New York University and his J.D. from Fordham University School of Law. He is admitted to practice before the State and Federal Courts of California, New York, and New Jersey and the United States Supreme Court. He has written and lectured on various topics including electronic discovery, MTBE litigation, regulatory developments in environmental law, contractual issues in environmental cleanups, and habeas corpus.

Williams was appointed by Consumer Attorneys of California as member of California Discovery Subcommittee for revision of California discovery rules and statutes relating to electronic discovery and electronically stored information, 2007-2008. Williams gives yearly lectures to CAOC on topic of civil discovery in California.

NANCY L. FINEMAN

Nancy Leavitt Fineman, a principal at Cotchett, Pitre & McCarthy, LLP, was born in San Francisco and raised in the East Bay.

She joined Cotchett, Pitre & McCarthy, LLP in 1989, after practicing with a San Francisco firm and working as a Research Attorney for the San Mateo County Superior Court. At Cotchett, Pitre & McCarthy, LLP, her practice currently emphasizes complex business litigation, employment litigation, securities cases, antitrust and intellectual property. She is currently a member of the Cotchett, Pitre & McCarthy, LLP team representing victims of the Bernie Madoff Ponzi Scheme. She and partner, Joseph W. Cotchett, were the first lawyers to interview Bernie Madoff in prison. She also currently represents the Liquidating Trustee of Humboldt Creamery in litigation against certain of Humboldt Creamery's officers and its outside accountant for financial fraud, and the People of the State of California against Lead Paint manufacturers for creating a public nuisance. Her cases have also included FINRA arbitrations on behalf of investors, representing the bankruptcy trustee in litigation involving the collapse of the Montana Power Company, and representing CalSTRS and other investors in Homestore.com. She represented public and private entities pursuing litigation against natural gas companies for manipulation of retail natural gas prices in California and individuals who invested in tax strategies now called tax shelters by the IRS. She has successfully challenged certain provisions in arbitration agreements so that the arbitration provisions are more favorable to individuals.

Although most of her cases involve the representation of plaintiffs, she does defense work, having defended Actelion, Ltd., Fisher Investments, Al Davis of the Oakland Raiders, Charles Schwab Co., E. & J. Gallo Winery and others. She also has represented many pro bono clients. She has substantial trial and arbitration experience in the areas of professional negligence, personal injury, employment, business matters and trade dress infringement. She obtained one of the few Plaintiff's verdicts ever received in a PSLRA securities case, and was recognized for her efforts as the "Litigator of the Week" by the Am Law Litigation Daily.

Ms. Fineman also has an active appellate practice. Some of her reported decisions include: *Simpson v. AOL Time Warner Inc.* (9th Cir. 2006) 452 F.3d 1040) vacated by (9th Cir. 2008) 519 F.3d 1041; *Fazio v. City & County of San Francisco* (9th Cir. 1997) 125 F.3d 1328; *Baker v. BDO Siedman, L.L.P.* (N.D. Cal. 2005) 390 F.Supp.2d 919; *County of Santa Clara v. Superior Court* (2010) 50 Cal.4th 35; *Bily v. Arthur Young* (1992) 4 Cal.4th 370; *Cotchett, Pitre & McCarthy v. Universal Paragon Corp.* (2010) 187 Cal.App.4th 1405; *Regents of the Univ. of California v. Superior Court* (2008) 165 Cal.App.4th 672; *Centerpoint Energy Inc. v. Superior Court* (2007) 157 Cal.App.4th 1101; *Aquila Inc. v. Superior Court* (2007) 148 Cal. App. 4th 556; *City of Santa Cruz v. PG&E* (2000) 82 Cal.App.4th 1167; *Holmes v. Lerner* (1999) 74 Cal.App.4th 442; *County of Alameda v. PG&E* (1997) 51 Cal.App.4th 1691; *Balthazar v. Verizon Haw. Inc.* (2005 S. Ct. Hi.) 109 Haw. 69; 123 P.3d 194. She also has been the appellate attorney in many unpublished decisions.

Ms. Fineman has lectured and written extensively. In December 2009, she was interviewed by the National Association of Corporate Directors, Silicon Valley Chapter about preventing financial fraud. From 2001-2009, she was an annual speaker for the CEB Torts Practice: Recent Developments. She is a regular speaker to lawyers and paralegals on trial preparation and trial. She has addressed the Annual State Bar Convention, the State Bar's Labor and Employment Section, the California Trial Lawyers' Association, the San Mateo County Bar Association, the San Mateo County Women Lawyers, Boalt Hall and other groups.

In 2011, Ms. Fineman was elected to the California State Bar Board of Trustees. She is a member of the California Bar Foundation, the Boalt Hall School of Law Alumni Association and the Multi-Option ADR Project for San Mateo County. She is a past Board Member of the San Mateo County Bar Association, and past President and current board member of the San Mateo County Women Lawyers Section Educational Foundation. She serves as a Judge Pro Tem for San Mateo County Superior Court. She has served as the Chair of the San Mateo County Bar Association Professional Equality Committee, a member of the California State Bar Judicial Nominees Evaluation Commission, the San Mateo Women Lawyers' Board, the Boalt Hall 20th and 25th Year Reunion Committees and other boards and commissions.

She is a member of Consumer Attorneys of America, American Association for Justice, Association of Business Trial Lawyers, California Women Lawyers and other legal organizations.

Ms. Fineman and her husband, Ed, are very active in community affairs. She served as past president Council member of The Christian Action Life Line ("CALL") Primrose Center, a

Burlingame food bank and emergency referral facility. She was an Honorary Member of the Contra Costa Civic Theatre's 50 Year Reunion Committee. She also is involved in her children's school through serving in a number of positions.

PAUL N. "PETE" McCLOSKEY

Paul N. "Pete" McCloskey, Jr., a principal at Cotchett, Pitre & McCarthy, is considered to be one of the country's great trial lawyers, as well as a great public servant and war hero.

A renowned attorney who has tried over 100 jury trials, McCloskey began his law career as Deputy District Attorney for Alameda County, and then as the founding partner in the law firm of McCloskey, Wilson & Mosher, which evolved into the firm of Wilson, Sonsini, Goodrich & Rosati.

During his law career, McCloskey served as President of the Palo Alto Bar Association, President of the Conference of Barristers of the State Bar of California and as a Trustee of the Santa Clara Bar Association.

McCloskey received his B.A. from Stanford University and his J.D. from Stanford Law School. He has written four books and has taught legal ethics and political science at Stanford and Santa Clara Universities. His books include: Guide to Professional Conduct for New Practitioners, California State Bar (1961); The U.S. Constitution, BRL (1961); Truth and Untruth: Political Deceit in America, Simon & Shuster (1971); and The Taking of Hill 610, Eaglet Books (1992), describing his service in Korea.

Following Stanford University, he joined the Marine Corps as an officer and served in the Korean War. While in the Marine Corps section, McCloskey commanded a reserve rifle company at San Bruno, California from 1953 to 1960. A recipient of the Navy Cross for extraordinary heroism, the Silver Star for bravery in combat and two Purple Hearts, McCloskey was a platoon leader and company commander. He retired from the Reserve with a rank of Colonel.

McCloskey served from 1967 to 1983 in the U.S. House of Representatives and was re-elected seven times representing the San Francisco Peninsula and Silicon Valley. He served six years as Congressional Delegate to the International Whaling Conference, and as Congressional Advisor to the Law of the Sea Treaty Delegation. An ardent environmentalist, he was co-chair of the first Earth Day in 1970 with Senator Gaylord Nelson. In 1972, he ran for President on an anti-Vietnam War platform against Richard Nixon. One of McCloskey's enduring legacies is his co-authorship of the 1973 Endangered Species Act. After serving in Congress for 15 years, McCloskey returned to private practice, taking on tough complex cases.

He has served as a Trustee for the Monterey Institute of International Studies, the Population Action Institute, and the U.S. Marine Corps Academy in Harlingen, Texas. Appointed by

President George H. W. Bush and elected its first chairman, McCloskey served on the U.S. Commission on National and Community Service from 1990 to 1992.

McCloskey served on the Advisory Council to the American Land Conservancy. He has been at the forefront in helping Afghanistan and Iraq war veterans receive college educations upon their return from duty. He serves on the Board of Advisors of The Fund for Veterans' Education. A film was done on the life and times of Pete McCloskey entitled, American Maverick. The film is narrated by the late Paul Newman who said, "Pete McCloskey has spent his life fighting for peace" and "without doubt he will always be leading from the front."

ROBERT B. HUTCHINSON

Robert Hutchinson heads up the Cotchett, Pitre & McCarthy Los Angeles office. Mr. Hutchinson is a veteran trial lawyer having tried over 30 jury trials in Federal and State courts and numerous complex arbitrations and court trials. In 2000 he won a \$ 4.9 million verdict for a client who lost his right leg above the knee, believed to be the largest verdict to that time for that type of injury in the State of California.

Mr. Hutchinson successfully argued the case of Vanhorn v. Torti (2008) 45 Cal 4th 322 before the California Supreme Court and secured a multi-million dollar settlement for client.

Mr. Hutchinson specializes in Personal Injury trial practice, emphasis in product liability, Consumer Protection, Securities Fraud and Consumer Class Actions.

PHILIP L. GREGORY

Philip L. Gregory, a principal at Cotchett, Pitre & McCarthy, obtained his B.A. from Bowdoin College in Brunswick, Maine, graduating magna cum laude. He obtained his J.D. and M.B.A. from Santa Clara University. He specializes in intellectual property litigation, including trade secret theft and trademark infringement, complex commercial and business litigation, and securities and health care fraud litigation.

He was Articles Editor for the Santa Clara Law Review and served on the Moot Court Honors Board. After passing the bar in 1980, he served as the first chair of the State Bar's Trade Secrets Subcommittee and on the State Bar's Federal Courts Committee.

Gregory's jury trial experience includes winning a substantial damage verdict in one of Silicon Valley's earliest trade secret theft cases, as well as representing plaintiffs and defendants in securities litigation.

He has written articles for and lectured before county bar associations, law school classes and colleges on a wide variety of subjects, including e-commerce, source code escrows and legal

ethics. He is a Master of the Bench with the American Inns of Court and a member of the American, San Mateo and Santa Clara County Bar Associations.

Gregory has served on the boards of a number of civic and services organizations in the Bay Area, including serving as former Chairman of the Board of EHC Lifebuilders, Silicon Valley's largest nonprofit benefitting the homeless. He also serves as a mediator with the Northern District of California and Judge Pro Tem and Arbitrator for the Santa Clara County Superior Court.

NANCI E. NISHIMURA

Nanci E. Nishimura is a principal at Cotchett, Pitre & McCarthy, LLP where she practices civil litigation focusing on antitrust, business litigation and consumer class actions. Ms. Nishimura received a B.A. in Psychology and M.A. in International Relations from the University of Southern California. Following a career in the United States and Japan as a business development and marketing consultant, she received her J.D. from the Columbus School of Law at the Catholic University in Washington, D.C. She worked at the Overseas Private Investment Corporation, the International Trade Commission and served as a Legislative Analyst to Senator Daniel Inouye.

Ms. Nishimura's experience in civil and criminal appellate litigation includes First and Fourth Amendment and civil rights. She wrote the brief on the merits and appeared before the United States Supreme Court in *Hanlon v. Berger*, 526 U.S. 808 (1999). She co-authored, "An Invasion of Privacy: The Media's Involvement in Law Enforcement Activities," 19 Loy. L.A. Ent. L.J. 313 (1999). Published cases, among others, include *Berger v. CNN Inc.*, 188 F.3d 1155 (9th Cir. 1999); *Ayeni v. Mottola*, 35 F.3d 680 (2d Cir. 1994), cert. denied, 514 US 1062 (1995), aff'g *Ayeni v. CBS Inc.*, 848 F. Supp. 362 (E.D.N.Y. 1994); *Brunette v. Humane Society of Ventura County*, 294 F.3d 1205 (9th Cir. 2002); *Aquila, Inc. v. Superior Court*, 148 Cal. App. 4th 556 (2007); *Regents of University of California v. Superior Court*, 165 Cal. App. 4th 672 (2008).

She was appointed by Governor Jerry Brown to the 11 member Commission on Judicial Performance (2011-2015); formerly served on the State Bar Judicial Nominees Evaluation Commission (JNE) for the 2005-2008 term; on the Board of Governors and first Vice President for the California Women Lawyers (District 3). She is also a member of the San Mateo and Los Angeles County Bar Associations, Consumer Attorneys of California, Association of Trial Lawyers of America, and the American Bar Foundation. She is a frequent lecturer for California Women Lawyers, and past member of the LACBA Litigation Section Trial Practice Inn of Court.

Ms. Nishimura is on the Board of Trustees of the California Science Center Foundation, a joint state-private facility created to promote science education throughout California, and past president of the Board of Directors of The MUSES of the California Science Center Foundation. She is a frequent speaker to promote science and math education in California. In addition, she is on the Board of Trustees of the Asian Art Museum in San Francisco; the Rotary Club of San

Mateo; and the creator of Storytime for Children with Abby Rabbit, an interactive reading and development program for children.

ARA J. JABAGCHOURIAN

Ara R. Jabaghourian is a principal at Cotchett, Pitre & McCarthy, LLP where he practices civil litigation in numerous areas, including product defects, medical negligence, catastrophic personal injury, antitrust, financial fraud, construction fraud, corporate dissolution, contract disputes, and complex business litigation.

As lead trial counsel, Jabaghourian obtained a \$114.5 million alter ego verdict against the spouse of the CEO of HL Leasing, Inc., a directed verdict for \$114.5 million against three corporate defendants, and a jury verdict in the amount of \$47.22 million against two former corporate officers in a class action trial held in Fresno County. The case involved an alleged Ponzi scheme operated by HL Leasing, Inc. and had resulted in losses to over 1200 investors. *Massoyan, et al. v. HL Leasing, Inc., et al.*, Fresno Superior Court Case No. 09 CECG 01839 August 5, 2011.

As co-lead trial counsel, Jabaghourian represented the City and County in San Francisco in a fraud claim against a city contractor who submitted false bills for payment. The city contractor brought a cross-claim seeking over seven million dollars of taxpayer money for an alleged violation of federal constitutional civil rights under 42 U.S.C. section 1983 related to the loss business value and nearly a million dollars under a breach of contractor claim. The jury found that the city contractor intentionally misrepresented claims made through the submission of false invoices to the City and County of San Francisco in addition to breaching the contract with it. Furthermore, the jury completely rejected the contractor's claims for a violation of civil rights and its breach of contract, awarding them nothing. *City and County of San Francisco v. Cobra Solutions, Inc., et al.*, San Francisco Superior Court Case No. CGC 03-417-218 February 15, 2012.

He also recovered the largest individual wrongful death verdict in San Diego County history, when a jury awarded \$17.4 million to the wife and three children of a high ranking U.S. Naval Officer, who was killed while riding his bike in a collision with an American Medical Response transport van. *Mazurek, et al. v. American Medical Response, et al.*, San Diego Superior Court Action No. 10-83975 May 20, 2011.

In the case of *Davis v. Hope Life Foundation, et al.*, he obtained a unanimous jury decision related to an out-of-state financial organization that defrauded its customers through sham trusts and promissory notes.

In *Siller v. Siller Brothers, Inc.*, Frank M. Pitre and Jabaghourian obtained a multi-million dollar trial judgment related to a corporate dissolution action filed on behalf of a minority shareholder.

In *Murillo v. National Passenger Railroad Corporation, et al.*, he settled an action against Union Pacific and the State of California Department of Transportation related to the wrongful death of an elderly couple because of an allegedly defectively-designed railroad crossing. The case was brought on behalf of the children and grandchildren of the victims.

Jabaghourian represented Arthur Mkoyan, a Fresno high school valedictorian, and his family, who were facing imminent deportation after seeking asylum from the former Soviet Union in 1992. Arthur and his family were allowed to stay, with Arthur now attending college in California.

Jabaghourian was also appointed as liaison counsel in the matter of *In re: Crown Princess Listing Incident*, a case involving the substantial tipping of a Princess Cruise Line ship off the coast of Florida. The action involved more than 200 injured plaintiffs. The action was filed in Los Angeles Superior Court.

While attending Hastings, he was a judicial extern for Presiding Justice James Ardaiz of the California Court of Appeal, Fifth Appellate District and Justice Marvin Baxter of the California Supreme Court.

Following law school, he worked for the Federal Trade Commission's Bureau of Competition in Washington, D.C., in investigations dealing with conspiracies, monopolization and mergers. In 2001, he joined private practice, working on antitrust matters with an emphasis in antitrust/intellectual property overlap issues.

Jabaghourian's verdict in *Massoyan v. HL Leasing, Inc., et al.* was recognized as one of the Top 100 Verdicts in the United States in both the National Law Journal and VerdictSearch in 2011. The Recorder, a California legal newspaper, placed Jabaghourian's result in the same case as one of its Top 10 Verdicts by impact for 2011. The National Trial Lawyers Association has selected Jabaghourian as one of the "Top 100 Trial Lawyers" in California for years. The Armenian Bar Association selected Jabaghourian as one of its "20 Rising Stars Under 40" in 2011. He was also selected as a Rising Star in Northern California, an honor bestowed on the top 2.5% of attorneys under the age of 40. The Consumer Attorneys of California selected Jabaghourian as one of its finalists for Trial Lawyer of the Year in 2011 and in 2012. For its centennial celebration, California State University, Fresno's College of Arts & Humanities had selected Jabaghourian as one of its Distinguished Alumni.

JUSTIN T. BERGER

Justin T. Berger is a principal at Cotchett, Pitre & McCarthy, where he focuses on false claims act litigation, consumer protection, financial elder abuse, employment law, and other complex civil litigation.

Justin has been recognized as one of the top young litigators in California. In 2012, Justin was included 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. Also in 2012, Justin received a California Lawyer Magazine Attorney of the Year (CLAY) Award, along with Niall McCarthy. From 2009 to 2012, Justin has been selected as a Northern California "Rising Star" by Northern California Super Lawyers and San Francisco Magazine. 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*. In 2011, Justin was again 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.

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 (Boalt Hall). At Boalt, Justin was a member of the California Law Review and the LAS-ELC Workers' Rights Clinic. In addition, through Boalt'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 the President of the San Mateo County Barristers, and is active in the Northern California Peace Corps Association. 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.

MATTHEW K. EDLING

Matthew K. Edling is a principal at Cotchett, Pitre & McCarthy, where he focuses on financial, environmental, intellectual property and other complex litigation. Edling's experience includes jury trials, bench trials, arbitrations, appellate briefing and argument.

Edling has been named one of California's top fifty attorneys under ten years of practice. From 2009-2012, Edling was named a Northern California Super Lawyers Rising Star. Edling was selected as a finalist for the 2010 Street Fighter of the Year Award by the Consumer Attorneys of California, for his work on behalf of an elderly investor placed into unsuitable investments. Edling was one of three public attorneys appointed by the State Bar to serve on its Task Force on Admissions Reform.

Edling currently serves on the Board of Directors of the San Mateo County Bar Association, Cal Poly College of Liberal Arts and the Board of Governors of the Consumer Attorneys of

California. Edling is involved in a number of community organizations in the Bay Area. Among other community activities, Edling serves on the Board of Directors of the Hamilton Family Center, the largest provider of shelter, eviction prevention assistance, rapid re-housing, youth programming, and support services for homeless families in San Francisco.

Edling received his B.A. from California Polytechnic State University, San Luis Obispo and his J.D. from the University of California, Hastings College of Law. While at Cal Poly, he received the school's highest academic honor, the Academic Excellence Award. During law school, he was a member of the Hastings Law and Policy Review and the Civil Justice Clinic, and was awarded the Best Brief and Best Oral Argument in Hastings' Moot Court Program.

ANNE MARIE MURPHY

Anne Marie Murphy is a principal at Cotchett, Pitre & McCarthy LLP, where she practices civil litigation focusing on complex commercial litigation, class actions, consumers' rights and elder abuse (including both financial abuse and nursing home abuse).

Ms. Murphy received her Bachelor of Arts in Science & Technology from Vassar College. She received her J.D. from the Georgetown University Law Center. While attending Georgetown, she worked as a Legislative Assistant in the U.S. Senate.

After graduating from law school, she practiced law in San Francisco, handling a caseload ranging from complex commercial litigation to regulatory approvals of mergers and acquisitions of regulated utilities. She also worked on a pro bono basis for the AIDS Legal Referral Panel. In *Komarova v. National Credit Acceptance, Inc.* Ms. Murphy, along with Justin T. Berger of Cotchett, Pitre & McCarthy LLP, obtained a jury verdict against a credit card collection agency following a two week trial in January 2008. The jury found for the plaintiff both on her intentional infliction of emotional distress and California Fair Debt Collection Practices Act claims, resulting in both a compensatory and punitive damages award. On appeal, several important issues of first impression were decided in the Plaintiff's favor, as reflected in the published decision: *Komarova v. National Credit Acceptance, Inc.*, 175 Cal. App. 4th 324 (Cal. App. 1st Dist. 2009).

Ms. Murphy has practiced extensively in the area of elder abuse, handling many notable cases against nursing homes. Ms. Murphy has also acted as co-lead counsel in a number of consumer class actions which have returned millions of dollars to consumers across the country.

Ms. Murphy is a member of Consumer Attorneys of California, the American Association for Justice, the San Mateo County Bar Association, the San Mateo Trial Lawyers Association, and is a lifetime member of California Women Lawyers.

Ms. Murphy serves on the Board of Directors of Consumer Attorneys of California (CAOC) and was Co-Chair of the 2010, 2011, 2012 and 2013 Donald L. Galine Tahoe Seminars. Ms. Murphy was elected to the CAOC Board of Governors in 2009 and again in 2010. In 2010, Ms. Murphy

was appointed to serve on the Board of Directors of CAOC, she was then elected to the Board of Directors in 2011 and 2012. Ms. Murphy is a Vice-Chair of the CAOC Women's Caucus. In 2010, Ms. Murphy was appointed as a Commissioner on the California Commission on Access to Justice. The Commission plays a vital role in bringing together the three branches of government, judges, lawyers and civic and business leaders to find long-term solutions to the chronic lack of legal assistance available to low-income and vulnerable Californians.

Ms. Murphy previously served on the Board of Directors of the State Bar of California, California Young Lawyers Association (CYLA) (2009 -2011); as well as the Board of Directors of the San Mateo County Barristers (2008-2009).

Ms. Murphy has provided frequent commentary on consumer rights issues, including binding mandatory consumer arbitration, and has appeared on local as well as national news broadcasts including ABC 7 On Your Side (Cable 7), View From The Bay, and Good Morning America (ABC). Ms. Murphy's articles include: "Same Road, Different Stops" (Elder Abuse Litigation), The Docket, San Mateo County Bar Association, Volume 49, No. 1, Jan/Feb 2013. Ms. Murphy's speaking engagements include: Panelist: "Elder Abuse Litigation," San Mateo County Bar Association, 2011; "Elder Abuse Litigation," State Bar of California Annual Convention, 2010; "Handling Cases Involving Physical and Financial Elder Abuse," CYLA, State Bar of California Webinar, 2010; "Winning Cases in Securities Arbitration," State Bar of California Annual Convention, 2010; "Securities Arbitration," CYLA, State Bar of California Webinar 2010; "Winning Trials through Motions *in limine*," 2010; Moderator, "Preparing for Trial," Consumer Attorneys of California, 2011; Moderator, "CSI Effect" CAOC Tahoe 2012; Panelist, "Financial Elder Abuse Litigation: Assessing, Preparing and Presenting Claims", Legal Assistance for Seniors ("LAS") 2012 Annual Conference; "Credit Counseling Class Actions and the CROA", CAOC Beaver Creek Conference 2012; Elder Abuse Litigation: Getting To Verdict Or Settlement In Tough Economic Times And Checklists For Settlement," CAOC 51st Annual Convention 2012; "Ethical Issues in Lawyer Communications," San Mateo County Bar Association 2013.

Ms. Murphy, along with her husband, Frank, are involved in a number of community organizations in the Bay Area. Among other community activities, Ms. Murphy served on the Board of Directors of Seven Tepees Youth Program for a number of years, including as board Secretary. Seven Tepees is a non-profit serving promising urban youth in San Francisco, which provides comprehensive services to youth from 5th to 12th grade, including mentoring, academic support and college and career counseling.

In 2008, Ms. Murphy was selected as a finalist for the 2008 Consumer Attorney of the Year Award by CAOC. Ms. Murphy is also a member of the Million Dollar Advocates Forum, an honor reserved for attorneys who achieve verdicts or settlements in excess of \$1 million on behalf of their clients. In 2009, 2010, 2011 and 2012 Ms. Murphy was selected as a Northern California "Rising Star" by Northern California Super Lawyers and San Francisco Magazine.

SENIOR ASSOCIATES

DEMETRIUS X. LAMBRINOS

Demetrius Lambrinos is a Principal at Cotchett, Pitre & McCarthy. He currently focuses his practice on qui tam cases and complex commercial litigation, and he has a background in antitrust and class actions.

Mr. Lambrinos received his Bachelor of Art in Philosophy from the University of Redlands Johnston College. He received his J.D. from University of Iowa College of Law.

Mr. Lambrinos is a committed member of the Bay Area's nonprofit community. He currently sits on the board of the Bay Area Urban Debate League ("BAUDL"), a nonprofit that mentors underserved Bay Area high school students in the art of debate. As a board member, he has helped raised over \$240,000 from Bay Area law firms to further this mission. He has also spent many hours mentoring students and has been intimately involved with crafting the organization's strategic vision.

CHRISTOPHER LAVORATO

Christopher Lavorato is a principal at Cotchett, Pitre and McCarthy, LLP, where he practices civil litigation. He focuses on a variety of complex civil matters including claims of commercial fraud, business torts, catastrophic injury, products liability and commercial transit accidents. Mr. Lavorato received his B.A. in Communications from the University of San Francisco in 1992. He graduated as the Distinguished Military Graduate from ROTC and was commissioned in the United States Army, serving as an Aviation Officer and UH-60 Blackhawk pilot until 1998. After his military service, Mr. Lavorato earned his J.D. from the University Of Santa Clara School Of Law in 2002.

After law school, Mr. Lavorato practiced with his father and brother, focusing on civil litigation and criminal law in Monterey County. During his practice there, he continued a long lasting relationship with Cotchett, Pitre & McCarthy, LLP, working on numerous cases as co-counsel. He has a broad range of courtroom experience, including both bench and jury trials, representing individuals, as well as corporate and governmental entities. Some examples of his cases have been the protection of female rights in the workplace, ensuring a safe living environment for the elderly or special needs patients and the protection of consumers from defective products.

Mr. Lavorato has served on numerous non-profit boards to the betterment of our communities and has provided vigorous pro-bono representation to those in need. He is a firm believer that education is a vital ingredient of freedom and has served as an adjunct professor at the collegiate level in the area of Administration of Justice.

ADAM J. ZAPALA

Adam J. Zapala is a principal at Cotchett, Pitre & McCarthy, LLP, where he focuses on antitrust, false claims act litigation, consumer protection and class actions generally.

Mr. Zapala received a B.A. from Stanford University and his J.D. from University of California, Hastings College of the Law. While at Hastings, Mr. Zapala received awards for best moot court brief, the Pro Bono Publico award, most outstanding student in Group Advocacy and Systemic Reform, and Excellence for the Future Award in Pre-trial Practice.

Previously, Mr. Zapala worked at Davis, Cowell & Bowe, LLP. in San Francisco, where he represented labor unions, Taft-Hartley Pension and Health & Welfare funds, employees and consumers in complex litigation, arbitration and NLRB proceedings. While at DCB, Mr. Zapala served as trial counsel in countless arbitrations on behalf of labor unions and employee benefit funds. He has argued cases before the California First, Third, and Sixth District Court of Appeal.

Mr. Zapala also previously served as a staff attorney with Bay Area Legal Aid, where he focused on representing indigent clients in a wide variety of civil litigation matters. While there, Mr. Zapala developed expertise in Medi-Cal, Medicare and other publicly-financed healthcare systems. While in law school, Mr. Zapala also worked for the public interest law firms of Public Advocates, Inc. and Public Justice, focusing on civil rights class action litigation.

Mr. Zapala also has legislative and policy experience, working on Capitol Hill as a policy aide for Senator Ron Wyden (D-Oregon) in Washington D.C.

Mr. Zapala has deep ties to the Bay Area. He grew up in San Jose, California and attended Bellarmine College Preparatory. While at Stanford University, Mr. Zapala became a four-time Academic All-American, a four-time All-American, and Captain of the Stanford Men's Soccer Team. In 2001, he was drafted in the Major League Soccer ("MLS") Super Draft by the Dallas Burn (now FC Dallas).

ASSOCIATES

CAMILO ARTIGA-PURCELL

Camilo Artiga-Purcell is an associate at Cotchett, Pitre & McCarthy, LLP, where he focuses on securities fraud and complex business litigation. Mr. Artiga-Purcell successfully litigated on behalf of defrauded investors in a technology startup, and is currently litigating on behalf of investors defrauded of hundreds of millions of dollars under a contrived margin call during the 2008 financial crisis.

Mr. Artiga-Purcell graduated from the University of San Francisco School of Law, and was awarded the Business Law Certificate for his work on SEC and CFTC regulation of OTC derivatives.

During law school, Mr. Artiga-Purcell worked at La Raza Centro Legal, providing legal services and advocacy to low income senior citizens and Latinos in San Francisco. Currently, Mr. Artiga-Purcell volunteers at the SHARE Foundation. Mr. Artiga-Purcell also provides pro bono counsel to Local Grow and Wiki Grow, a web based forum focused on growing and sustaining local gardens.

ALEXANDER BARNETT

Alex Barnett is a Principal at Cotchett, Pitre & McCarthy where he specializes in class actions involving: antitrust and securities law violations; consumer fraud; negligent product design and manufacture; wage and overtime disputes; civil rights violations; and violation of environmental laws. He also handles mass tort litigation.

Representative class action cases include: Turner v. General Electric Company, No. 2:05-CV-186-FtM-33DNF (M.D. Fla.) (claims by purchasers of allegedly defective General Electric refrigerators); Staton v. IMI South, LLC, No. 03-CI-588 (Ky. Cir. Ct.) (claims by purchasers of defective concrete for repair of home foundations and flatwork); In re Bridgestone/Firestone Inc., ATX, ATX II and Wilderness Tires, MDL No. 1373 (S.D. Ind.) (claims by purchasers of allegedly defective tires), Gori v. Merck & Co., Inc., No.: 04L1254 (claims by purchasers of Vioxx for refund of purchase price); and Harman v. Lipari (claims for medical monitoring for residents of neighborhood bordering a Superfund site in New Jersey). Mr. Barnett also has represented individuals injured by pharmaceutical products such as Redux and Pondimin, Baycol, Serzone, and Vioxx. In addition, Mr. Barnett served as counsel for the cities of Boston, Los Angeles, Philadelphia and San Francisco against the handgun industry and as counsel for the City of Milwaukee in a case against the lead pigment industry.

Mr. Barnett has served as a lecturer on class actions, serving as a Panel speaker at the First Annual National Class Actions Symposium (Osgoode Hall Law School, Toronto, Canada) and the Third Annual Class Actions for Non-Class-Action Lawyers - Growing Your Business by

Understanding the Basics and Recognizing Opportunities.

Prior to entering private practice, Mr. Barnett served as the Executive Director of the International Association of Jewish Lawyers and Jurists ("IAJLJ"), American Section, an organization dedicated to promoting human rights and the rule of law.

Before his tenure at the IAJLJ, Mr. Barnett served as the Democratic Party nominee for the New York State Assembly in New York's 17th Assembly District.

ERIC BUESCHER

Eric Buescher is a Principal at Cotchett, Pitre & McCarthy, where he focuses on consumer fraud, elder abuse, false claims litigation and employment litigation. Mr. Buescher received his Bachelor of Arts in Political Science, with a focus on International Relations from Duke University. After graduating, Mr. Buescher worked as a researcher in Washington, DC assisting law firms with complex research projects for active litigation matters.

Subsequently, Mr. Buescher received his J.D. from Georgetown University Law Center. While at Georgetown, Mr. Buescher was a member of the Georgetown Journal on Law and Public Policy and published an article regarding Fifth Amendment takings as they relate to affordable housing and the Department of Housing and Urban Development titled "Home Robbery: Congress and HUD's Taking of Private Property in Affordable Housing." 7 Geo. J.L. & Pub. Pol'y 571 (2009).

Mr. Buescher is a member of San Mateo Trial Lawyers Association and Consumer Attorneys of California.

JENNIFER R. CRUTCHFIELD

Jennifer R. Crutchfield is a Principal at Cotchett, Pitre, & McCarthy. Her practice focuses on securities/financial fraud litigation.

Ms. Crutchfield graduated from the University Of Arizona School Of Law. While at the University of Arizona, she volunteered as Student Coordinator for the Volunteer Lawyers Program as well as served on the Student Bar Association, the Law Women's Association, and the Community Service Board.

After graduating from Law School, Ms. Crutchfield had a clerkship with the Hon. Sarah Simmons in Tucson, Arizona. She also obtained her L.L.M. from the Université Lyon III with an emphasis in Business Law.

Ms. Crutchfield graduated from Loyola Marymount University, in Los Angeles, earning her B.A. in Psychology. While at LMU, Ms. Crutchfield studied abroad at Oxford University and was President of a Service Organization, the Marians.

ALEXANDRA A. HAMILTON

Alexandra A. Hamilton is a principal at Cotchett, Pitre, & McCarthy. Her practice focuses on personal injury/product liability litigation.

Ms. Hamilton graduated from Santa Clara University, School of Law. While at Santa Clara University, she interned in the Criminal Division of the United States Attorney's Office and studied at Koç University in Istanbul, Turkey.

Ms. Hamilton graduated from Notre Dame High School in Belmont, California, before earning her B.A. from the University of California, Santa Barbara. While at UCSB, Ms. Hamilton spent a semester interning at the Office of the Solicitor General in Washington, D.C. and a semester studying in Paris, France.

Ms. Hamilton is a member of the San Mateo County Bar Association, Consumer Attorneys of California, and San Francisco Trial Lawyers Association.

JOANNA W. LICALSI

Joanna W. LiCalsi is a Principal at Cotchett, Pitre & McCarthy, LLP. Her practice focuses on securities and antitrust litigation.

Ms. LiCalsi received her J.D. from the University of San Francisco School of Law. While at USF, she served as a judicial extern to Justice Bernard Fried (Ret.) in the New York State Supreme Court Commercial Division, as well as U.S. District Court Judge Susan Illston of the Northern District of California. Ms. LiCalsi also interned at the Office of the Circuit Executive for the United States Courts for the Ninth Circuit, where she worked in the Legal Affairs Unit. Additionally, she worked in two clinics, providing legal services to clients who could not afford representation in disputes involving intellectual property and securities law.

Prior to law school, Ms. LiCalsi received her B.A. from Sarah Lawrence College in Bronxville, NY, where she concentrated in history and writing. While at SLC, she spent a semester at Reed College in Portland, Oregon studying English Literature, and a summer at UC Berkeley studying law and political science. After she completed her undergraduate education, she spent two years as a Teaching Fellow at the Horace Mann School in New York.

RYON NIXON

Ryon M. Nixon is a Principal at Cotchett, Pitre & McCarthy, where he focuses on false claims act litigation, class actions, consumers' rights, financial elder abuse, and other complex civil litigation.

Mr. Nixon received his Bachelor of Arts in Anthropology with an emphasis in Linguistics from the University of California, Los Angeles where he graduated Summa Cum Laude and Phi Beta Kappa. He also received his J.D. from the University of California, Los Angeles. While at UCLA Law, he was a research assistant to Professor Gerald Lopez, volunteered for UCLA's Reentry Legal Clinic, and served on the boards of the Real Estate Association and La Raza latino law students association.

KEVIN O'BRIEN

Kevin P. O'Brien is a Principal at Cotchett, Pitre & McCarthy, where he focuses on complex business litigation, antitrust, securities and intellectual property. Mr. O'Brien has represented plaintiffs and defendants in a broad range of legal matters, including consumer and mass-tort class actions, securities and corporate fraud claims, trade secret misappropriation actions and complex commercial disputes. Mr. O'Brien is experienced in all phases of civil litigation in state and federal court.

Prior to joining Cotchett, Pitre & McCarthy, Mr. O'Brien litigated class actions and complex commercial disputes at a national law firm and copyright and trademark disputes at an intellectual property litigation boutique. Mr. O'Brien's experience includes representing individuals, public entities and large and small businesses in court hearings, bench trials, arbitrations, settlement conferences, mediations, administrative proceedings and appeals. Mr. O'Brien received his J.D. from University of California, Hastings College of the Law where he graduated magna cum laude. While at Hastings, Mr. O'Brien received American Jurisprudence awards in Civil Procedure and Consumer Protection, was admitted to the Thurston Society and the Order of the Coif and was appointed to serve as the Senior Symposium Editor for the Hastings Law Journal. He also received B.A. from San Francisco State University. Following law school, Mr. O'Brien clerked for U.S. District Court Judge Ronald M. Whyte of the Northern District of California.

In 2014, Mr. O'Brien was awarded the Lawyers' Committee for Civil Rights' Father Cuchulain Moriarty Award for his extraordinary pro bono contribution.

Mr. O'Brien previously served on the boards of the Cartoon Art Museum and the Berkeley Bears Youth Baseball Organization.

BRYAN M. PAYNE

Bryan M. Payne is a principal at Cotchett, Pitre & McCarthy, where he focuses on securities, financial fraud and business litigation.

Mr. Payne received his Bachelor of Business Administration and Master in Professional Accounting degrees from the University of Texas at Austin, earning university honors. While earning his graduate degree, Mr. Payne worked at a Big Four accounting firm and provided

tutoring to undergraduate business school students. Mr. Payne then received his J.D. from the University of California, Hastings College of the Law, where he graduated cum laude. While at Hastings he was Vice President of the Association of Communications, Sports and Entertainment Law, and received the Witkin Award for Academic Excellence.

Mr. Payne participates in the Volunteer Legal Services Program of the Bar Association of San Francisco, where he provides representation to low-income individuals and families.

BRIAN M. SCHNARR

Brian M. Schnarr is an associate at Cotchett, Pitre & McCarthy, LLP, working in the areas of business litigation, financial fraud, antitrust litigation, consumer protection cases and intellectual property. Brian has represented both plaintiffs and defendants in a wide range of matters, including corporate fraud, trade secret misappropriation, Ponzi schemes, product defect, and price fixing. This experience includes all aspects of pre-trial litigation, including discovery, motion practice, court hearings and mediations. Mr. Schnarr has also been involved in several trials in both federal and California state court.

In 2012, Mr. Schnarr represented an 86 year old resident of San Mateo County in an elder abuse action against a skilled nursing facility. *Pauline Gogol v. Mills-Peninsula Health Services d/b/a Mills-Peninsula Skilled Nursing*, Case No. CIV-509469. After a two week trial, a jury returned a verdict in favor of the plaintiff for \$1,844,400. The jury also made a finding of clear and convincing evidence of recklessness, oppression, fraud or malice for an additional award of attorney's fees and punitive damages.

Also in 2012, Mr. Schnarr defended a residential design professional in a construction defect case where the plaintiffs alleged negligence and fraud arising out of a home remodel and second story addition. *Jang v. Deal et al.*, Case No. CIV 506396. The case went to trial in October of 2012, where Mr. Schnarr moved for a mini-trial on the affirmative defense of statute of limitations before a jury was empaneled. The case was ultimately resolved on terms beneficial to the defense.

In 2013, Mr. Schnarr represented ten California Cities and Counties in a representative public nuisance action in a six week trial in the Complex Department of the Santa Clara County Superior Court. *Lead Paint Litigation*, Case No. 1-00-CV-788657. This was one of the largest representative public nuisance actions in the country, and involved the wrongful promotion and sale of lead-based paint and pigment in California over a period of decades by five historical paint and pigment manufacturers.

Mr. Schnarr was selected as a 2013 Northern California Rising Star for Super Lawyers. He holds a position on the Leadership Development Committee of the American Business Trial Lawyers Association, is a member of the Consumer Attorneys of California, the San Mateo County Bar Association, and the American Association for Justice.

ELIZABETH TRAN

Elizabeth Tran is a principal at Cotchett, Pitre & McCarthy, LLP. She focuses her practice on antitrust law and complex litigation.

Ms. Tran received her B.A. in Economics and Political Science, with a concentration in Public Policy, from Boston University. At BU, she interned and studied abroad in London and Sydney during her third year.

Ms. Tran received her J.D. from the University of California, Hastings College of the Law. At UC Hastings, she was a super regional semifinalist in the Jessup International Law Moot Court Competition. She also received honorable mentions for both best brief and best oral advocacy in Moot Court. Ms. Tran served as a judicial extern for the Honorable A. James Robertson II in San Francisco Superior Court and as a teaching assistant for both Legal Writing & Research and Moot Court. She studied international business law at Bocconi University in Milan for a semester.

In law school, Ms. Tran mentored underserved high school students on preparing for college. While awaiting bar results, she served as a graduate fellow at Bay Area Legal Aid, where she advocated for the rights of disadvantaged people to health and disability benefits.

Ms. Tran has national and state legislative experience. She interned for U.S. Representative Neil Abercrombie (D-Hawaii; now Governor of Hawaii) in Washington, D.C. and State Representative Scott Nishimoto (D-Hawaii) in Honolulu.

Ms. Tran grew up in Honolulu and graduated from 'Iolani School, but she has been actively laying roots in the Bay Area. She enjoys the food scene in San Francisco, the hiking trails in Marin, and volunteering for the family law section of the Bar Association of San Francisco.

EXHIBIT 2

EXHIBIT 2*In re Optical Disk Drive Antitrust Litigation*, Case No. 3:10-md-2143-RS**COTCHETT, PITRE & McCARTHY, LLP**

Reported Hours and Lodestar

May 7, 2010 through December 31, 2014

TIME REPORT

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEYS			
Joseph W. Cotchett (P)	109.20	\$900	\$98,280.00
Joseph W. Cotchett (P)	1.50	\$350	\$ 525.00
Niall P. McCarthy (P)	1.10	\$750	\$ 825.00
Nancy L. Fineman (P)	0.80	\$700	\$ 560.00
Steven N. Williams (P)	803.50	\$700	\$562,450.00
Steven N. Williams (P)	21.30	\$350	\$7,455.00
Frank C. Damrell (OC)	0.20	\$775	\$155.00
Matthew K. Edling (A)	1.40	\$350	\$490.00
Adam J. Zapala (A)	26.20	\$415	\$10,873.00
Adam J. Zapala (A)	50.70	\$360	\$18,252.00
Aron K. Liang (A)	10.50	\$415	\$4,357.50
Aron K. Liang (A)	1.20	\$400	\$480.00
Aron K. Liang (A)	4.50	\$350	\$1,575.00
Nikki B. Okcu (A)	30.00	\$415	\$12,450.00
Nikki B. Okcu (A)	7.00	\$350	\$2,450.00
Neil J. Swartzberg (A)	12.00	\$415	\$4,980.00
Neil J. Swartzberg (A)	71.30	\$400	\$28,520.00
Elizabeth T. Tran (A)	7.00	\$360	\$2,520.00
Elizabeth T. Tran (A)	3.00	\$350	\$1,050.00
Gene W. Kim (A)	36.40	\$360	\$13,104
Gene W. Kim (A)	30.10	\$350	\$ 10,535
Joanna W. LiCalsi (A)	207.50	\$360	\$74,700.00
Mary F. Mock (A)	3.20	\$360	\$1,152.00
Victor S. Elias (A)	99.20	\$360	\$35,712.00
Jessica Hwang (A)	3.20	\$350	\$1,120.00
NON-ATTORNEYS			
Brian Doe (PL)	2.90	\$225	\$ 652.50
Erich Detert (PL)	0.50	\$250	\$125.00

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
Erich Detert (PL)	17.50	\$225	\$3,937.50
Jaelyn Verducci (PL)	486.20	\$250	\$121,550.00
Jaelyn Verducci (PL)	78.60	\$225	\$17,685.00
Nirav Engineer (PL)	58.90	\$250	\$14,725.00
Patrick Menzel (PL)	489.90	\$250	\$122,475.00
Patrick Menzel (PL)	206.90	\$225	\$46,552.50
Zyres Agudelo (PL)	26.00	\$225	\$5,850.00
Alexandra Banis (PL)	58.80	\$225	\$13,230.00
Jenny Song (PL)	1.60	\$225	\$360.00
Jesse Schmidt (PL)	72.50	\$225	\$16,312.50
Gabriel Peixoto (LC)	6.10	\$150	\$915.00
Julian Davis (LC)	4.00	\$150	\$ 600.00
Nicole Goodwin (LC)	4.10	\$150	\$615.00
TOTAL:	3,056.50		\$1,260,155.50

(P) Partner
(OC) Of Counsel
(A) Associate
(PL) Paralegal
(LC) Law Clerk

EXHIBIT 3

EXHIBIT 3

In re Optical Disk Drive Antitrust Litigation, Case No. 3:10-md-2143-RS
COTCHETT, PITRE & McCARTHY, LLP
 Reported Unreimbursed Expenses Incurred on Behalf of Direct Purchaser Class
 May 7, 2010 through December 31, 2014

EXPENSE REPORT

CATEGORY	AMOUNT INCURRED
Court Fees (filing, etc.)	\$158.00
Experts/Consultants	
Federal Express	\$354.46
Transcripts (Hearing, Deposition, etc.)	\$474.90
Computer Research	\$2,953.74
Messenger Delivery	
Photocopies – In House	\$9,486.70
Photocopies – Outside	\$589.00
Postage	\$11.07
Service of Process	
Telephone/Telecopier	\$630.79
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	\$1,481.34
TOTAL:	\$16,140.00

