"The attorneys ... displayed truly exceptional levels of skill and tenacity."

- Judge of the U.S. District Court

COTCHETT PITRE & McCARTHY LLP ATTORNEYS AT LAW

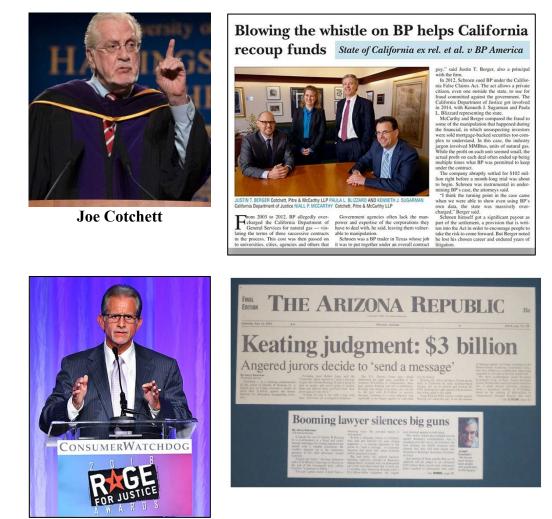
ADVOCATES FOR JUSTICE

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OUR FIRM

Cotchett, Pitre & McCarthy, LLP ("CPM") based on the San Francisco Peninsula for over 50 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 the San Francisco Bay Area, Los Angeles, Seattle, and New York, the core of the firm is its people and their dedication to principles of law, their work ethic, and their commitment to justice. We are trial lawyers dedicated to achieving justice.



Frank Pitre

"The Cotchett firm has few peers that equal their ability in litigation. Their commitment to the cause of justice and their ethical standards stand apart. They are people who give back to the community and give lawyers a good name."

—Judge of the Superior Court (Retired)

OUR PRACTICE AREAS

CPM represents clients in a wide range of practice areas, including:

- Antitrust & Global Competition
- Aviation / Helicopter Accidents
- Commercial Litigation
- Consumer Protection Class Actions
- Defective Products / Mass Torts
- Elder Abuse
- Employment Law
- Environmental Law

- False Claims / Whistleblower Law
- Municipal & Public Entity Litigation
- Privacy & Intellectual Property
- Personal Injury & Wrongful Death
- Pharmaceutical Litigation
- Securities / Financial Fraud
- Shareholder Rights/Corporate Governance

"This court has had the distinct pleasure of having the parties in this case represented by some of the finest attorneys not only in this state but in the country." Cotchett, Pitre & McCarthy has "well reputed experience in [consumer fraud] litigation."

-Judge of the U.S. District Court



San Francisco Bay Area



Los Angeles Area



New York



Seattle

OUR OFFICES

4

CPM'S EXPERIENCE IN TECHNOLOGY-RELATED CASES

Noteworthy Results Against Big Tech

CPM has a breadth of experience litigating against technology companies in complex class actions. Below is a selection of cases:

In re Apple Inc. Device Performance Litigation United States District Court, Northern District of California

CPM was Co-Lead Counsel representing a nationwide class of Apple customers who alleged Apple issued software updates that slowed the performance of certain iPhones. In May of 2020, the Northern District of California granted preliminary approval of a settlement valued at up to \$500 million. The district entered Judgment on March 23, 2021.

In re AT&T Customer Data Security Breach Litigation

United States District Court, Northern District of Texas

CPM is a member of the Plaintiffs' Steering Committee (PSC) in this multidistrict litigation stemming from a massive data breach affecting over 75 million current and former customers.

In re Google Play Consumer Antitrust Litigation

United States District Court, Northern District of California

CPM serves on the Steering Committee and represents consumers of Android apps and in-app purchases against Google for allegedly and unlawfully maintaining a monopoly in the Android application distribution market and in-app aftermarket. In September 2023 Consumer Plaintiffs and Google reached an agreement in principle to settle the case after months of mediation. The agreement in principle specifies that *Google will pay approximately \$700 million to reimburse consumers for their allegedly inflated app purchases*.

In re T-Mobile 2022 Customer Data Security Breach Litigation United States District Court, Western District of Missouri

CPM is a member of the Plaintiffs' Steering Committee (PSC) in this multidistrict litigation stemming from a massive data breach in November 2022 that occurred on the heels of a prior massive data breach at T-Mobile in 2021.

In re Consumer Vehicle Driving Data Tracking Litigation United States District Court, Northern District of Georgia

CPM is a member of the Plaintiffs' Steering Committee in this multidistrict litigation involving GM and its subsidiary OnStar secretly tracking GM drivers' driving habits, including location, time, quick starts and stops, and other metrics, and then selling this data to Credit Reporting Agencies where it was ultimately used to increase insurance rates and deny coverage.

In re Robinhood Outage Litigation

United States District Court, Northern District of California

CPM was Co-Lead Counsel representing a nationwide class of consumers who were impacted by

major outages of Robinhood's stock trading platform during key fluctuations in the stock market. The plaintiffs alleged that Robinhood was negligent in the development and maintenance of the Robinhood application, and that the company failed to implement an adequate business continuity plan as required by financial regulators. The case settled for \$9.9 million.

In re Zoom Video Communications, Inc. Privacy Litigation United States District Court, Northern District of California

CPM served as Co-Lead Counsel representing individuals in an action against Zoom alleging negligence, breach of implied contract, and violations of the California Consumer Privacy Act, the Consumer Legal Remedies Act, and the Unfair Competition Law based on Zoom's alleged unfair, unlawful, and deceptive business practices related to its data security. The action also alleged that Zoom failed to safeguard its users' confidential and sensitive information, and failed to provide adequate security, as promised, to avoid breach and infiltration (*e.g.* "Zoombombing") of users' videoconferences. The case settled for \$85 million.

In re: Lenovo Adware Litigation

United States District Court, Northern District of California

CPM served as Co-Lead Counsel in the Lenovo Adware Litigation related to surreptitiously installed malware on Lenovo computers. The complaint alleged that the adware violates privacy laws by intercepting users' behavioral data, including browsing history and electronic communications. The case settled for \$8.3 million.

In re: Hewlett-Packard Inkjet Printer Litigation

United States District Court, Northern District of California

CPM represented consumers who were deceived by inaccurate low-on-ink warnings on Hewlett-Packard Inkjet Printers. The low-on-ink warnings appeared even when there was a substantial amount of ink remaining in the ink cartridges, thereby misleading consumers into unnecessarily buying expensive ink cartridges. The case settled for injunctive changes to HP's practices and a \$5 million reimbursement program.

Noteworthy Results for Consumers and Businesses

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.

In re Automotive Parts Antitrust Litigation

United States District Court, Eastern District of Michigan

CPM served as co-lead counsel for end-payor plaintiffs against a number of automotive parts suppliers for allegedly engaging in massive conspiracies to fix the prices, rig the bids, and allocate the markets of various automotive parts sold to automobile manufacturers, next sold to automobile

dealerships, and then sold to consumers and businesses. CPM and its co-lead counsel have recovered over \$1.2 billion for the indirect purchaser classes.

In re Broiler Chicken Antitrust Litigation

United States District Court, Northern District of Illinois

CPM serves as co-lead counsel for commercial and institutional indirect purchasers against broiler chicken suppliers for allegedly engaging in a conspiracy to fix, raise, maintain, and stabilize the prices of broiler chickens by coordinating output and limiting production with the intended and expected result of increasing the prices of broiler chickens. *To date, CPM and its co-lead counsel have recovered over \$104 million for the classes.*

In re Capacitors Antitrust Litigation

United States District Court, Northern District of California

CPM serves as lead counsel for indirect purchasers of electrolytic and film capacitors against capacitor suppliers for allegedly engaging in two massive and separate conspiracies to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of electrolytic and film capacitors, respectively. *CPM recovered \$80.4 million for the classes.*

In re Cattle and Beef Antitrust Litigation United States District Court, District of Minnesota

CPM serves as co-lead counsel for direct purchaser plaintiffs against beef processing and packing defendants for allegedly engaging in a conspiracy to constrain beef supplies in the United States, thereby artificially inflating domestic beef prices. *To date, CPM and its co-lead counsel have recovered \$52.5 million for the class.*

In re Telescopes Antitrust Litigation

United States District Court, Northern District of California

CPM served as co-lead counsel for classes of consumers and businesses against telescope manufacturers for allegedly engaging in massive conspiracies to fix the prices and allocate the markets of telescopes and telescope products. *CPM and its co-lead counsel recovered \$32 million for the class.*

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.

In re Domestic Airline Travel Antitrust Litigation United States District Court, District of Columbia

CPM served as co-lead counsel for purchasers of air transportation against American Airlines, Inc., Delta Airlines, Inc., Southwest Airlines Co., and United Airlines, Inc. for allegedly engaging in a conspiracy to restrict capacity and thereby raise prices for air passenger transportation services. *d CPM and its co-lead counsel have recovered \$60 million for the class.*

In re Farm-Raised Salmon and Salmon Products Litigation United States District Court, Southern District of Florida

CPM served as a member of an informal Executive Committee and represents a class of indirect salmon buyers against Norwegian salmon-farming companies for allegedly coordinating price hikes of salmon and salmon products. *Counsel for indirect purchaser plaintiffs recovered \$33 million for the classes*.

In re Freight Forwarders Antitrust Litigation United States District Court, Eastern District of New York

CPM served as co-lead counsel for purchasers of freight forwarding services from freight forwarders who allegedly engaged in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of freight forwarding services. *CPM and its co-lead counsel recovered approximately \$450 million for the class.*

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.

In re Lithium Batteries Antitrust Litigation

United States District Court, Northern District of California

CPM served as co-lead counsel for indirect purchasers of lithium-ion batteries against lithium-ion battery suppliers for allegedly engaging in a conspiracy to fix the prices of these products. *CPM and its co-lead counsel recovered \$113 million for the classes.*

In re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Prod. Liab. Lit.

USDC, Eastern District of Virginia

CPM served as Co-Lead Counsel in the Lumber Liquidators case filed in the Eastern District of Virginia. The class action was filed against Lumber Liquidators alleging that their Chinese-manufactured laminate wood flooring products emit unsafe and dangerous levels of formaldehyde. *CPM and its co-lead counsel recovered \$10.8 million for the classes.*

In re Resistors Antitrust Litigation

United States District Court, Northern District of California

CPM served as lead counsel for indirect purchasers of linear resistors against resistor suppliers for allegedly engaging in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of linear resistors. *CPM recovered \$33.4 million for the classes.*

In re Transpacific Passenger Air Transportation Antitrust Litigation United States District Court, Northern District of California

CPM served as co-lead counsel for purchasers of air transportation against 13 Asian and Oceanic airlines for allegedly engaging in a conspiracy to fix the prices of discount fares and fuel surcharges

on long-haul passenger flights for transpacific routes. CPM and its co-lead counsel recovered over \$148 million for the classes.

Noteworthy Cases Not Yet Tried or Settled

In re Deere & Company Repair Services Antitrust Litigation United States District Court, Northern District of Illinois

CPM serves as co-lead counsel for a class of persons and entities who purchased repair services for Deere agricultural equipment with onboard computers known as electronic control units for monopolizing and restraining the market for repair and maintenance services of such equipment.

In re Geisinger Health and Evangelical Community Hospital Healthcare Workers Antitrust Litigation

United States District Court, Middle District of Pennsylvania

CPM serves as co-lead counsel for a class of healthcare workers against their employers, two health systems, for allegedly entering a no-poach agreement to reduce competition for healthcare workers and, as a result, suppressing job mobility and wages below the levels that would have prevailed but for the agreement. The court denied the defendants' motion to dismiss in November 2021.

Mach, et al. v. Yardi Systems, Inc., et al.

Superior Court of the State of California, County of Alameda

CPM serves as co-lead counsel on behalf of a class of plaintiffs in California against multifamily residential property owners, operators and managers that allegedly colluded and conspired to artificially inflate the rental prices of their units above competitive levels, and to reduce the occupancy of such units below competitive levels through their usage of a centralized pricing software algorithm called "RENTmaximizer," created by Yardi Systems, Inc.

Yick v. Bank of America

United States District Court, Southern District of California

CPM is interim Co-lead counsel in this multidistrict litigation related to Bank of America's failure to protect the personal information of EDD cardholders and improper freezing of cardholder accounts. In June 2021, prior to consolidation, the district court granted plaintiffs' motion for preliminary injunction and provisional class certification, providing immediate protections for Californians' unemployment benefits.

OUR TEAM CPM ATTORNEYS FOR THE PAYPAL LITIGATION



NANCI E. NISHIMURA, PARTNER

Nanci E. Nishimura is a partner at CPM and leads the firm's complex individual actions focusing on antitrust and business litigation. Nishimura attended the University of Southern California, where she earned both undergraduate and graduate degrees, Waseda University in Japan, and the Columbus School of Law at The Catholic University in Washington, D.C.

Nanci Nishimura worked at the U.S. Overseas Private Investment Corporation and clerked at the U.S. International Trade Commission in D.C. Nanci has represented plaintiffs in some of the largest and most complex individual actions coordinated in State and Federal Courts across the country.

Nanci has led complex cases alleging fraud, antitrust and other claims on behalf of consumers and dozens of cities, counties, and other public entities and non-profit organizations in California, New York and Texas, including the City of Los Angeles, Los Angeles World Airports, The Regents of the University of California, California State University Board of Trustees, East Bay Municipal Utilities District, Sacramento Suburban Water District, City and County of San Francisco, County of San Diego, County of San Mateo, and Houston, Texas. As detailed on CPM's website at www.cpmlegal.com, and as summarized below, Nishimura and CPM have demonstrated a knowledge of the law, the skill and ability to work with others, and the resources and commitment to pursue justice for her clients. Below are representative cases:

In re: LIBOR-based Financial Instruments Antitrust Litigation, Case No. 11-md-2262-NRB (MDL 2262) (S.D.N.Y.). Ms. Nishimura is the lead attorney in actions filed on behalf of 15 California public entities and consolidated for pretrial purposes in multidistrict litigation. Plaintiffs include San Diego Association of Governments, The Regents of the University of California, East Bay Municipal Utility District, City of Richmond, City of Riverside, County of Sacramento, County of San Mateo, and Houston, Texas. The complaints allege that more than a dozen of the world's major financial institutions that reported their daily interbank borrowing rates to the British Bankers Association (BBA) which are used to set the global benchmark interest rates known as the London Interbank Offered Rate (LIBOR), manipulated their reported borrowing rates to benefit their profits and credit ratings, to the detriment of transactions worldwide with interest rates set to LIBOR from consumer loans to complex municipal investment instruments.

Ambac Bond Insurance Litigation, San Francisco County Superior Court Case No. CJC-08-004555 (JCCP 4555) (CEK). Ms. Nishimura was the lead attorney in individual actions filed on behalf of 26 California public entities. Plaintiffs include The Regents of the University of California, City of Los Angeles, Los Angeles World Airports, City and County of San Francisco, East Bay Municipal Utility District, and two non-profits, including the Jewish Community Center of San Francisco. The complaints

alleged antitrust violations by seven defendant bond insurance companies for maintaining an unfair dual credit rating system with three defendant credit rating agencies requiring municipalities to pay exorbitant premiums to insure bonds issued to raise money for public projects. The case recently settled for more than \$18 million.

In re: Municipal Derivatives Antitrust Litigation, Case No. 1:08-cv-02516-VM-GWG (MDL 1950) (S.D.N.Y). Ms. Nishimura was the lead attorney in individual actions filed on behalf of 20 California public entities and consolidated for pretrial purposes in multidistrict litigation. Plaintiffs include City of Los Angeles, City of Stockton, East Bay Municipal Utility District, Sacramento Municipal Utility District, County of San Diego, County of San Mateo, and Contra Costa County. The complaints allege antitrust violations by more than three dozen financial institutions, insurance companies, and brokers to rig the bidding process for municipal derivative transactions used by public entities to invest unused bond proceeds. Plaintiffs recovered more than \$10 million.

People of the State of California v. Atlantic Richfield, et al., No. 1-00-CV-788657 (Santa Clara Superior Court), CPM represented the state of California along with 10 California cities and counties in a public nuisance action. After over a decade of litigation, the case went to trial and resulted in a judgment of \$1.15 billion in 2013.

Anthony P. Miele III v. Franklin Resources, Inc., 3:15-cv-00199-LB (N.D. Cal.). Nishimura was one of the lead lawyers in a major case defending Franklin Resources, Inc., one of the world's largest mutual funds. The complaint alleged that in 1974, when plaintiff's father died, he held 4,000 Franklin shares in trust for plaintiff who was then three years old. After years of contentious litigation involving discovery and depositions across the country, CPM's client prevailed on summary judgment, which was affirmed by the 9th Circuit. The petition for certiorari was denied by the U.S. Supreme Court.

THOMAS E. LOESER



Education

- Duke University School of Law, J.D., magna cum laude, Order of the Coif, Articles Editor Law and Contemporary Problems, 1999
- University of Washington, M.B.A., cum laude, Betta Gamma Sigma, 1994
- Middlebury College, B.A., Physics with Minor in Italian, 1988

Admissions

- California
- District of Columbia
- Washington

Tom Loeser is the Co-Managing Partner of Cotchett, Pitre & McCarthy, LLP's Seattle office and a 25-year technology lawyer with hard-science and high-technology bona fides. His technology career includes coding for the Treasury at Microsoft and product and financial analysis at the Hewlett-Packard Company. His legal career began in Silicon Valley as a technology lawyer at Wilson Sonsini. In 2002, Mr. Loeser was appointed an Assistant United States Attorney in Los Angeles where he spent his first two years prosecuting all manner of federal crimes. Owing to his expertise in technology and computing, he then joined the elite Cyber and Intellectual Property Crimes Section. This role required months of training in the investigation and prosecution of hacking, computer intrusion, illicit digital communications, malware, and data breach cases. The training was cutting edge, requiring Top Secret clearances, and it was ongoing throughout Mr. Loeser's government service. Mr. Loeser resolved hundreds of criminal cases – including federal conspiracy, hacking, intellectual property and data theft cases – and brought over a dozen federal cases to trial and through appeal.

Mr. Loeser's practice has included the prosecution and resolution of dozens of complex actions against the titans of industry, including national banks, insurers, builders, title companies, carmakers, mortgage lenders, trucking companies, and nationwide retailers. Mr. Loeser specializes in the prosecution of cases that are not just complex because of the legal and procedural issues involved, but also because of the technological sophistication of the products, services or bad acts underlying the legal claims.

Mr. Loeser has worked extensively on many of the largest consumer class cases in U.S. history. These include legion auto defect cases such as the \$10 billion *Volkswagen "Clean Diesel"* MDL and the related \$1.3 billion *Volkswagen Franchise Dealer* Litigation. Mr. Loeser has worked on dozens of data breach and privacy cases including the monopolization case against Meta for its

abusive collection of consumer data, where he deposed many past and present members of Meta's C-Suite. Mr. Loeser has had leadership roles in many technology-related cases, including the massive 2022 T-Mobile data breach case, the recent AT&T data breach affecting 75 million past and present customers and multidistrict litigation against GM for secretly tracking driving behavior and selling the data to credit reporting agencies and insurers. Mr. Loeser's role in these cases touched on all aspects of litigation, including leadership, strategy, discovery, depositions, legal briefing and settlement.

Mr. Loeser's work has garnered praise from the plaintiffs' class action bar, who regularly ask him to speak at class action conferences, and from judges, including Judge Beth Labson Freeman in San Jose who at final approval of a consumer case against Tesla remarked on the record:

"It's not simple, you make it look easy, and that's the art of what you do, Mr. Loeser, and the Court certainly appreciates the good work in this case, and in recognition of the many cases that your firm has handled over the years."

Dean Sheikh et al. v. Tesla, Inc. Final Approval of Settlement Hearing, the Honorable Beth Labson Freman, United States District Judge for the Northern District of California San Jose Division.

KARIN B. SWOPE



Education

- Columbia Law School, J.D., Harlan Fiske Stone Scholar
- Amherst College, B.A., *magna cum laude*, Phi Beta Kappa

Admissions

• Washington

Karin Swope is the Co-Managing Partner of the Seattle office of Cotchett, Pitre & McCarthy, LLP where she represents clients in nationwide antitrust and consumer protection litigation, securities litigation, privacy litigation and intellectual property counseling. Karin has represented clients for over 30 years in proceedings in state and federal courts across the country. She helps consumers fight against unfair and deceptive practices and has helped to change consumer protection law in the process.

Karin has extensive experience litigating highly complex antitrust, consumer fraud and other class actions, with a particular focus on technology issues given her intellectual property background. Karin litigates against the largest technology companies in the country, including serving as co-lead counsel or on the executive committees in the *In re Apple Device Performance Litigation* No. 18-MD-2827 (N.D. Cal.), *Google RTB Consumer Privacy Litigation* No. 21-CV-02155 (N.D. Cal.); *In re Zoom Video Communications, Inc. Privacy Litigation* No. 20-cv-02155 (N.D. Cal) and *In re Bank of America Unemployment Benefits Litigation* No. 21-md-2992 (S.D. Cal.). CPM secured a class settlement amount of \$310 million, with a maximum class settlement amount of \$500 million in *In re Apple Device Performance Litigation*, which was a historic settlement amount.

Karin has served as co-lead or as an attorney on the executive committee in antitrust actions including *Google Play Consumer Antitrust Litigation*, No. 20-cv-05761, (N.D. Cal.); *In re Shale Oil Antitrust Litigation*, No. 24-MD-3119 (D. N.M.); and *Yardi Rental Antitrust Litigation*, No. 24-CV-063117 (CA Sup. Ct. Alameda Cnty). CPM, along with the states, secured a class action settlement amount of \$700 million for consumers and states in the *Google Play Consumer Antitrust Litigation*, which brought claims that Google inflated app store prices.

Karin represents companies and sovereign nations in protecting their intellectual property rights. She has protected the retirement funds of employees whose employers had breached their fiduciary duties in violation of ERISA, in cases against Washington Mutual, State Street Bank and Regions Financial Corporation. Karin has represented shareholders in complex securities litigation, including disputes involving breach of fiduciary duty. Representative cases include *In* re Slack Securities Litigation and John Trotter (Ret.), Trustee of the PG&E Fire Victim Trust v. Williams et al.

Karin has served as an Adjunct Professor at Seattle University School of law for over 15 years, where she has taught the Intellectual Property Art Law Clinic. She has previously served as President of Executive Committee of the Intellectual Property Section of the Washington State Bar Association and is currently a member of the Western Washington Federal Bar Association Local Rules Committee. She has presented and/or co-chaired numerous CLE's on topics ranging from E-Discovery practices to Intellectual Property. Following her graduation from Columbia Law School, Karin served as a law clerk to the Honorable John C. Coughenour in the U.S. District Court for the Western District of Washington, and as a law clerk to the Honorable Robert E. Cowen of the U.S. Court of Appeals, Third Circuit.

JACOB M. ALHADEFF



Education

- University of Washington, J.D., Honors (*Magna Cum Laude*)
- Evergreen State College, B.A.,

Admissions

• Washington

Jacob Alhadeff is an Associate at Cotchett Pitre & McCarthy, LLP. His practices include Consumer Protection Class actions, Antitrust, Global Competition, Privacy, Intellectual Property, and Securities/Financial Fraud.

Jacob graduated from the University of Washington School of Law with honors. During law school Jacob was on Washington's Journal of Law, Technology, and Art, he was co- president of the Cyber Law Association of Washington, and published Limits of Algorithmic Fair Use. For his research on copyright, Jacob received the 2023 WSBA IP scholarship and presented at the WIP Intellectual Property Colloquium at Suffolk University. Jacob was on Moot Court Honor Board and mediated various disputes through Washington's Mediation Clinic.

Outside of the office, Jacob enjoys spending time with his friends and family, soccer, biking, and the outdoors. Jacob has summitted four of Washington's five Volcanos and prioritizes spending time in the Cascade and Olympic Mountain ranges. Before law school, Jacob spent several years working for marginalized youth and now volunteers with Big Brothers Big Sisters of Puget Sound.