



# CONSUMER ATTORNEYS OF CALIFORNIA

*Seeking Justice for All*

## Mary Alexander, Joseph Cotchett, Justin Berger selected as CAOC's Consumer Attorneys of the Year Fisher, Goody, Ehrlich named Street Fighters of the Year at Awards Dinner

**SACRAMENTO (Nov. 16, 2019)** – **Mary Alexander** of Mary Alexander & Associates in San Francisco and **Joseph Cotchett** and **Justin Berger** of Cotchett, Pitre & McCarthy in Burlingame are Consumer Attorneys of California's 2019 Consumer Attorneys of the Year for holding paint manufacturers responsible for removing hazardous lead paint from California homes.

The announcement was made Saturday night at the awards dinner as part of CAOC's Annual Convention at The Palace Hotel in San Francisco.

**Sevy Fisher** and **Greyson Goody** of The Simon Law Group in Hermosa Beach and appellate attorney **Jeffrey Ehrlich** of The Ehrlich Law Firm in Claremont were also honored Saturday night as CAOC's Street Fighters of the Year for a case that gives injured Californians the power to choose the medical treatment that is best for them, regardless of their insurance network.

Consumer Attorney of the Year is awarded to a CAOC member or members who significantly advanced the rights or safety of California consumers by achieving a noteworthy result in a case. Eligibility for Street Fighter of the Year is limited to CAOC members who have practiced law for no more than 10 years or work in a firm with no more than five attorneys. To be considered for either award the case must have finally resolved between May 15, 2018 and May 15, 2019, with no further legal work to occur, including appeals. The winners are determined by a vote of CAOC's Board of Directors.

In *County of Santa Clara, et al. v. Atlantic Richfield Co., et al.*, Alexander, Cotchett and Berger represented 10 California cities and counties seeking to hold lead paint manufacturers accountable for the damage caused by their products in homes. Manufacturers knew for many years their products were hazardous to children, but sold them anyway. The companies' internal documents going all the way back to 1904 acknowledge that lead paint was "poisonous to a large degree." The companies stopped selling lead paint when it was banned nationally in 1978, but hundreds of thousands of homes across California still have the paint on walls, windowsills and exteriors.

The 19-year legal battle began in 2000. By 2003 all claims had been dismissed by Santa Clara County Superior Court judges, but in 2006 the Sixth District Court of Appeal allowed the case to proceed as a public nuisance claim and, after a six-week trial, in 2014 a Santa Clara County Superior Court judge ordered Sherwin-Williams, ConAgra and NL Industries to pay into a fund to inspect for and abate lead paint. This was the first win against lead paint manufacturers anywhere in the country and recognized manufacturers must pay to clean up the hazard they created in homes.

The paint companies then threatened to mount a ballot initiative that would have let them off the hook and shifted all cleanup costs to California consumers, but dropped the initiative after pushback from the state Legislature. In 2018 the United States Supreme Court refused to hear an appeal, leading to a settlement, in which the companies agreed to pay \$305 million to remove lead paint in homes built before 1980 in the 10 cities and counties.

In the case honored with the Street Fighter award, *Pebley v. Santa Clara Organics, et al.*, Fisher, Goody and Ehrlich represented Dave Pebley, who was seriously injured in a Ventura County crash caused by an employee of Santa Clara Organics. He had health insurance but chose to treat outside his insurer's network. A jury awarded Pebley compensation for both his past and future medical expenses based on his out-of-network costs, but Santa Clara Organics appealed, arguing that under a 2011 California appeals court decision (*Howell v. Hamilton Meats & Provisions, Inc.*), it would be liable only for what Pebley would have paid had he seen a provider in his network.

The Second District Court of Appeal ruled that the party that causes the injuries cannot force an injured person to use his or her insurance to obtain medical treatment for those injuries, and thus compensation is not limited to what would be paid under the insurance plan. As a result of this ruling, Californians who are injured through no fault of their own get to choose the doctor they prefer to treat their injuries, even if that doctor is not part of their insurance plan.

Also honored at Saturday's dinner were:

**Doris Cheng** (shareholder, Walkup, Melodia, Kelly and Schoenberger, San Francisco), winner of the Robert E. Cartwright, Sr., Award, given "in recognition of excellence in trial advocacy and dedication to teaching trial advocacy to fellow lawyers and to the public." Cheng has taught various aspects of trial advocacy and depositions at numerous CAOC events, in addition to teaching trial advocacy for the Bar Association of San Francisco, National Institute for Trial Advocacy and the University of San Francisco School of Law.

**Cynthia Craig** (partner, Kubota & Craig, Irvine), winner of the Marvin E. Lewis Award, given "in recognition of continued guidance, loyalty and dedication, all of which have been an inspiration to fellow attorneys." Craig's wide-ranging involvement with CAOC includes speaking at education seminars, working on numerous committees and helping newer attorneys get involved in the organization.

**Frances Schreiber** (of counsel, Kazan, McClain, Satterley & Greenwood, Oakland), winner of the Edward I. Pollock Award, given "in recognition of many years of dedication, outstanding efforts and effectiveness on behalf of the causes and ideals of consumer attorneys." Schreiber is a political leader with CAOC and has been involved in numerous legislative battles over asbestos, driven by her passion for justice and fighting for working people.

The awards dinner also included the installation of CAOC's 2020 President **Micha Star Liberty**, owner of the Liberty Law Office in Oakland.

*Consumer Attorneys of California is a professional organization of plaintiffs' attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.*

**For more information:**

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