



Consumer Watchdog Legal Project

Consumer Watchdog is a nonprofit, non-partisan consumer research and advocacy organization founded in 1985 by consumer attorney and advocate Harvey Rosenfield. Its mission is to provide an effective voice for taxpayers and consumers in an era when special interests dominate public discourse, government, and politics. The organization deploys public interest attorneys, policy experts, strategists, and grassroots activists to expose, confront, and change unjust practices in the private and public sectors.

Consumer Watchdog's Legal Project attorneys advocate for consumers' rights and hold corporations and government officials accountable in federal and state courts and before regulatory agencies.

The Legal Project specializes in highly complex litigation, including class actions in federal and state courts, to address abuses in the marketplace such as illegal overcharges, false advertising, and violation of consumer protection laws. Some of our most notable accomplishments include:

- A 2021 victory in the Supreme Court of the United States representing plaintiffs living with HIV in a class action suit against CVS for unlawfully putting individuals' health and privacy at risk, resulting in a loss of meaningful access to their prescription drug benefit. After Consumer Watchdog's unanimous win in the 9th Circuit Court of Appeals, CVS petitioned the high court for review. Review was granted and the case was briefed, but CVS unexpectedly dropped the case, leaving the earlier victory intact. *Doe v. CVS Pharmacy, Inc.* (9th Cir. 2020) 982 F.3d 1204, *cert. granted in part*, (2021) 141 S. Ct. 2882, and *cert. dismissed sub nom. CVS Pharmacy, Inc. v. Doe, One* (2021) 142 S. Ct. 480.
- Bringing a legal action with co-petitioner *The Los Angeles Times* that won disclosure of more than 1,400 pages of FBI warrants and related documents that detail the United States Attorney's Office's investigation into unethical and illegal activity at the Los Angeles City Attorney's Office and the Department of Water and Power. (*In re Application of Consumer Watchdog* (C.D. Cal., Apr. 11, 2024, No. 2:24-CV-01650-SB) 2024 WL 2104448.)
- Settling a class action suit on behalf of individuals living with HIV against a public health agency and several health care organizations for unlawful disclosure of patients' protected medical information, resulting in payments in excess of \$1,800 per class member and programmatic relief. (*Doe v. Cal. Dept. of Pub. Health* (L.A. Cty. Super. Ct., June 24, 2024), No. 20STCV32364.)
- Settling a privacy case against Zoom alleging the video conferencing platform misrepresented the level of security it offered users. (*Consumer Watchdog v. Zoom Video Comms., Inc.* (D.D.C. July 30, 2021), No. 20-cv-02526.)

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- Settling a class action suit against Anthem Blue Cross for violating state and federal law by canceling consumers' health insurance plans and automatically enrolling them in plans that eliminated coverage for out-of-network doctors without proper notice. (*Simon v. Blue Cross of Cal.* (L.A. Cty. Super. Ct. Nov. 2, 2020), No. BC639205.)
- Settling two cases against Transamerica Life Insurance Company on behalf of policyholders whose premiums had unexpectedly and illegally skyrocketed, requiring the company to repay more than \$150 million in overcharges in 2019 and up to \$88 million in account value credits in 2020. (*Feller v. Transamerica Life Ins. Co.* (C.D. Cal. Feb. 6, 2019), No. 16-01378, and *Thompson v. Transamerica Life Ins. Co.* (C.D. Cal. Sept. 16, 2020), No. 18-05422.)
- Settling a case against CVS Healthcare Corporation on behalf of a class of 6,000 patients in Ohio whose HIV status was disclosed when a CVS-contracted company, Fiserv, mailed letters to them with information about a federal program to assist them with HIV-related treatment costs. The letters were mailed in envelopes with clear windows that showed patients' names, the words "Ohio Department of Health" and the letters HIV, exposing patients' private medical information to anyone who saw the envelope, in opposition to the standard practice of the Ohio Department of Health of using opaque, non-windowed envelopes when sending out mailings regarding HIV. (*Doe One v. CVS Healthcare Corp.* (S.D. Ohio, Sept. 27, 2019) No. 2:18-CV-238, 2019 WL 4915471, as amended (S.D. Ohio, Oct. 4, 2019) No. 2:18-CV-238, 2019 WL 4893834.)
- Settling three class action lawsuits against health insurers over the "narrow network" issue, in which plaintiffs alleged that their insurers had misrepresented which doctors were "in network" under their plans. Under the settlement agreements, Anthem Blue Cross provided \$15 million in direct payments to consumers, Blue Shield provided more than \$18 million, and Cigna provided more than \$1.8 million. The settlement also ensured that all three providers implemented an uncapped claim process. (*Anthem Blue Cross Affordable Care Act Cases* (L.A. Cty. Super. Ct. Aug. 19, 2016), JCCP No. 4805; *Blue Shield of Cal. Affordable Care Act Cases* (S.F. Cty. Super. Ct. Mar. 27, 2018), JCCP No. 4800; and *Davidson v. Cigna* (L.A. Cty. Super. Ct. June 28, 2018), No. BC558566.)
- Settling six class action lawsuits against health insurers for illegally requiring HIV/AIDS patients to purchase their medications from a mail-order pharmacy, threatening their health and privacy. As a result of the settlements, members prescribed HIV/AIDS medications may purchase their medications at any network pharmacy. Members were also allowed to seek reimbursement for out-of-pocket losses resulting from the mail order requirement. (*Doe v. Blue Cross of Cal.* (S.D. Cty. Super. Ct. June 24, 2016), No. 37-2013-00031442; *Doe One v. Unitedhealthcare Ins. Co.* (C.D. Cal. July 31, 2014), No. SACV-13-00864, 2014 WL 3865847; *Doe v. Cigna Health & Life Ins. Co.*, (S.D. Fla. Oct. 6, 2015), No. 15-cv-60894; *Doe v. Anthem, Inc.* (settled informally); *Doe v. Coventry Health Care Inc.* (S.D. Fla. May 5, 2016), No. 15-CIV-62685; and *Doe v. Aetna, Inc.* (S.D. Cal. Mar. 15, 2016), No. 14CV2986-LAB (DHB), 2016 WL 1028363.)
- Settling a class action against Anthem Blue Cross for illegally making mid-year changes to annual deductibles, co-pays, and other out-of-pocket costs. As a result of the settlement, Anthem reimbursed consumers for out-of-pocket losses resulting from the mid-year changes totaling \$8.3 million. The company also agreed not to make mid-year cost increases in the future. (*Taub v. Blue Cross of Cal.* (L.A. Cty. Super. Ct. Aug. 20, 2015) No. BC457809.)

- Settling a class action against Anthem Blue Cross for illegally closing insurance policies and using large rate hikes to force patients into lower-benefit and higher-deductible health coverage—a practice known as the “death spiral.” Relief obtained included a cap on future rate increases and the opportunity for plan members to switch coverage, without medical underwriting, to any open policy regulated by the California Department of Managed Health Care. (*Feller v. Blue Cross of Cal.* (Ventura Cty. Super. Ct. Aug 26, 2011), No. 56-2010-00368587.)
- Settling a class action against the Auto Club requiring the insurer to pay \$22.5 million in refunds to policyholders who were overcharged for not having prior insurance, a practice that is prohibited by insurance reform Proposition 103. (*Proposition 103 Enf't Project v. Interins. Exch. of the Auto. Club* (L.A. Cty. Super. Ct. 2007), No. BC266218.)
- Securing a consumer’s right to enforce the Insurance Code in court under the state’s Unfair Competition Law in a case against Mercury for illegally surcharging drivers without prior insurance. (*Donabedian v. Mercury Ins. Co.* (2004) 116 Cal.App.4th 968.)
- Securing a historic \$27.5 million fine against Mercury Insurance Company in an administrative enforcement action for charging excessive and unfairly discriminatory rates by allowing its agents to charge illegal broker fees at the point of sale. (*In the Matter of Mercury Ins. Co.* (Cal. Ins. Comm’r, Feb. 6, 2015), No. NC03027545.)
- Obtaining an order from the Insurance Commissioner approving a settlement agreement requiring Farmers Insurance to refund \$1.4 million in premium overcharges and pay a \$2 million fine to the State of California for utilizing improper homeowners insurance underwriting practices. (*In the Matter of the Rates, Rating Plans, or Rating Systems of Farmers Ins. Exch., Fire Ins. Exch., and Mid-Century Ins. Co.* (Cal. Ins. Comm’r, Aug. 8, 2007).)
- Successfully blocking insurance rate hike requests by dozens of insurance companies, saving Californians over \$6 billion since 2003 on their auto, homeowners, earthquake, and medical malpractice insurance.

Consumer Watchdog’s attorneys have taken the lead role—authored comprehensive appellate briefs and participated in oral argument—in numerous landmark cases resulting in published appellate and California Supreme Court opinions upholding consumer protection statutes:

- *Villanueva v. Fid. Nat. Title Co.* (2021) 11 Cal.5th 104 (counsel for amici curiae Consumer Watchdog, Consumer Federation of America, and Consumer Federation of California) – upholding the right of consumers to hold title insurance companies accountable for overcharges and other wrongdoing under the California Insurance Code.
- *Mercury Ins. Co. v. Lara* (2019) 35 Cal.App.5th 82 (counsel for intervenor Consumer Watchdog) – upholding a \$27.6 million civil penalty against Mercury for violations of Proposition 103’s prior approval requirement and prohibition against unfair rate discrimination based on its agents charging unapproved fees in addition to the approved premium amounts on over 180,000 insurance transactions over a four-year period.

- *Mercury Cas. Co. v. Jones* (2017) 8 Cal.App.5th 561 (counsel for intervenor Consumer Watchdog) – successfully defending against insurance trade associations to uphold a decision ordering Mercury to lower its homeowner rates and limiting the amount of institutional advertising that insurers may include in their premium calculations.
- *Consumer Watchdog v. Dept. of Managed Health Care* (2014) 225 Cal.App.4th 862 (counsel for petitioner Consumer Watchdog) – holding that the Department of Managed Health Care can no longer uphold a health plan’s denial of coverage for autism treatment provided or supervised by a nationally board-certified individual on the basis that the provider is not licensed.
- *Assn. of Cal. Ins. Cos. v. Poizner* (2009) 180 Cal.App.4th 1029 (counsel for intervenor Consumer Watchdog) – upholding Department of Insurance regulations consistent with the language and purpose of Proposition 103 to promote consumer participation in rate proceedings.
- *In re Tobacco II* (2009) 207 P.3d 20 (counsel for amicus curiae Consumer Watchdog) – holding that Prop 64 standing requirements apply only to named plaintiffs and not unnamed putative class members.
- *Karnan v. Safeco Ins. Co. of Am.* (2009) 173 Cal.App.4th 814 (counsel for plaintiff) – allowing plaintiff in a UCL action to proceed with pre-certification discovery to locate class members.
- *Fogel v. Farmers Group, Inc.* (2008) 160 Cal.App.4th 1403 (counsel for amicus curiae Consumer Watchdog) – allowing a UCL action to proceed against an insurer challenging as excessive fees paid by policyholders to the insurer’s management company.
- *Found. for Taxpayer and Consumer Rights v. Garamendi* (2005) 132 Cal.App.4th 1354 (counsel for plaintiff) – overturning an illegal legislative amendment to Proposition 103 that would have allowed illegal surcharges to drivers who lacked prior insurance coverage.
- *State Farm Mut. Auto. Ins. Co. v. Garamendi* (2004) 32 Cal.4th 1029 (counsel for amicus curiae FTCR) – upholding against industry challenge Department of Insurance regulations requiring the public disclosure of insurance redlining data submitted to the Insurance Commissioner as required by Proposition 103.
- *Donabedian v. Mercury Ins. Co.* (2004) 116 Cal.App.4th 968 (counsel for amicus curiae Consumer Watchdog) – upholding consumers’ right to bring a UCL action to enforce Proposition 103.
- *Proposition 103 Enf’t Project v. Quackenbush* (1998) 64 Cal.App.4th 1473 (counsel for plaintiff) – invalidating an illegal legislative amendment to Proposition 103 that would have decreased the amount of refunds owed to policyholders under the initiative’s rate rollback provision.
- *Amwest Sur. Ins. Co. v. Wilson* (1995) 11 Cal.4th 1243 (counsel for intervenor) – Cal. Supreme Court decision invalidating an illegal legislative amendment to Proposition 103 that would have exempted surety insurance from regulation.

- *20th Century Ins. Co. v. Garamendi* (1994) 8 Cal.4th 216 (counsel for intervenor) – Cal. Supreme Court decision upholding insurance rate regulations enforcing Proposition 103’s prohibition against excessive or inadequate rates.
- *Calfarm Ins. Co. v. Deukmejian* (1989) 48 Cal.3d 805 (counsel for intervenor) – Cal. Supreme Court decision upholding Proposition 103 against constitutional challenge by the insurance industry.

Consumer Watchdog’s Legal Project is currently litigating high impact consumer protection lawsuits and administrative actions, including:

- A class action on behalf of enlisted military personnel alleging that their auto insurance company, USAA, discriminates against enlisted servicemembers by charging them higher premiums than officers, in violation of provisions of Proposition 103, California’s voter-approved insurance reform law and the Unruh Civil Rights Act. (*Coleman v. United Servs. Auto. Assn.* (C.D. Cal., filed Feb. 4, 2021), No. 21-cv-217.)
- A class action on behalf of California drivers whose auto insurance carriers reaped a windfall during the COVID-19 pandemic by charging standard rates for insurance while people sheltered in place in compliance with the government’s “stay-at-home” orders and then repaid customers only a fraction of what they were owed. (*Davis v. CSAA Ins. Exchange* (A169729, app. pending, filed Feb. 7, 2024).)
- A class action on behalf of plaintiffs living with HIV against CVS for unlawfully putting individuals’ health and privacy at risk, resulting in a loss of meaningful access to their prescription drug benefit. (*Doe v. CVS Pharmacy* (N.D. Cal., filed Feb. 16, 2018), No. 18-CV-1031.)

Consumer Watchdog Legal Team

William Pletcher

William Pletcher is the Litigation Director for Consumer Watchdog. In this role, he leads the organization’s litigation efforts, focusing on consumer protection cases involving health care fraud, financial scams, privacy violations, environmental justice, and other significant consumer and civil rights issues. Prior to joining Consumer Watchdog, Pletcher served as a Supervising Deputy City Attorney for the Public Rights Branch at the Los Angeles City Attorney’s Office, where he directed the Consumer Protection Division.

Pletcher’s career includes high-profile cases such as a \$243 million judgment against a student loan servicing scam and a \$26 million healthcare fraud settlement involving falsified COVID-19 testing results. He has also been recognized for his work combating fraudulent pandemic-related products and advancing consumer privacy protections.

Previously, as a Deputy Attorney General for California, Pletcher played a key role in major environmental and consumer fraud cases, including the \$15 billion Volkswagen diesel emissions settlement and a \$500 million settlement with Fiat Chrysler for emissions violations.

Pletcher holds a J.D. from Stanford Law School, where he was an editor of the *Stanford Law & Policy Review*, and graduated summa cum laude from Ohio State University. His extensive legal experience includes

clerking for the U.S. Court of Appeals for the Ninth Circuit and work in civil litigation, bankruptcy, and environmental law.

Harvey Rosenfield

As Consumer Watchdog's founder, Harvey Rosenfield is one of the nation's foremost consumer advocates. Trained as a public interest lawyer, Rosenfield authored Proposition 103 and organized the campaign that led to its passage by California voters in 1988 despite over \$80 million spent in opposition (still a record).

He has co-authored groundbreaking initiatives on HMO reform and utility rate deregulation (Proposition 9, 1998). Rosenfield is the author of the book, *Silent Violence, Silent Death: The Hidden Epidemic of Medical Malpractice*.

Rosenfield, who established Consumer Watchdog in 1985, has worked for the Federal Trade Commission, the U.S. Congress, in private practice, as a staff attorney for Ralph Nader's Public Citizen Congress Watch, and as the Program Director for the California Public Interest Research Group (CalPIRG).

Rosenfield graduated magna cum laude from Amherst College and obtained a joint law and master's degree in foreign service from Georgetown University.

Pamela Pressley

Consumer Watchdog's Senior Staff Attorney, Pamela Pressley has led Consumer Watchdog's efforts to enforce Proposition 103's mandates in court to protect California insurance policyholders against discriminatory practices and premium overcharges. Pressley has authored appellate briefs and presented oral argument in numerous cases successfully upholding the insurance initiative and other California consumer protection laws, resulting in several precedential published opinions, including *The Foundation for Taxpayer and Consumer Rights v. Garamendi* (2005) 132 Cal.App.4th 1354; *Assn. of Cal. Ins. Cos. v. Poizner* (2009) 180 Cal.App.4th 1029, *Mercury Cas. Co. v. Jones* (2017) 8 Cal.App.5th 561, and *Mercury Ins. Co. v. Lara* (2019) 35 Cal.App.5th 82.

Pressley has also served as lead counsel in challenges before the Department of Insurance to auto, homeowners, business, and medical malpractice insurance rate hike proposals, resulting in savings to California policyholders of over \$6 billion.

In May 2010, Pressley was named as one of the top women litigators in California by the Daily Journal. At the time, she had served "as litigation director of this small but dogged consumer group for more than a decade" and "gone head-to-head with state regulators for not cracking down on [] autism denials." (Daily Journal Supplement, May 12, 2010, p. 34.) Her efforts, working together with former Consumer Watchdog Litigation Director Jerry Flanagan and co-counsel Strumwasser & Woocher LLP, led to a Los Angeles Superior Court decision declaring that the Department of Managed Health Care (DMHC) illegally adopted rules that delayed and denied decisions regarding coverage for autism treatments and improperly withheld public documents that revealed how they handled consumer complaints, and a Court of Appeal decision ordering the DMHC to stop upholding such illegal denials of coverage for autism treatments.

Pressley received her B.A. in Sociology from UCLA and her J.D. from Pepperdine University School of Law. She was admitted to the California State Bar in 1995. Before joining Consumer Watchdog and serving as the

organization's Litigation Director for 15 years, Pam worked as Consumer Attorney for the California Public Interest Research Group (CALPIRG) and as a staff attorney for the Center for Law in the Public Interest (CLIPi).

Benjamin Powell

Benjamin Powell is a staff attorney on Consumer Watchdog's Litigation Team. While his primary focus is in the area of health insurance litigation, he has also served as lead staff attorney on dozens of rate proceedings before the California Department of Insurance.

During law school, Powell was a member of the Loyola of Los Angeles Law Review, writing articles for the journal's specialized "Developments in the Law" issue. His scholarship included an analysis of the shifting employment status of California Uber drivers and a discussion of the fate of class action waivers under California contract law. Powell also served as a Coordinator for Loyola's Young Lawyers Program, providing students from local high schools with mentorship as well as training for a mock trial experience in front of actual Los Angeles Superior Court judges.

Powell received a B.A. in Political Science from UCLA and a J.D. from Loyola Law School in Los Angeles. He was admitted to the California Bar in 2016.

Ryan Mellino

Ryan Mellino is a staff attorney on Consumer Watchdog's Litigation Team. Mellino provides litigation support spanning across Consumer Watchdog's issue areas, including insurance, civil rights, and healthcare litigation.

During law school, Mellino externed with several different organizations. He spent time working on eviction defense with the Legal Aid Foundation of Los Angeles, on legal issues concerning inmates in L.A. County jails with the American Civil Liberties Union, and on system-wide homelessness prevention with the Los Angeles Homeless Services Authority. In his second summer of law school, Mellino began externing with Consumer Watchdog. He remained an extern through his final year of law school, before joining full-time after graduation.

Mellino received a B.A. in English Literature from Hunter College and a J.D. from the University of Southern California, Gould School of Law. He was admitted to the California Bar in 2022.

Ben Armstrong

Ben Armstrong, FCAS, MAAA is the staff actuary at Consumer Watchdog. In this capacity, Armstrong performs independent analyses of insurer rate filings, including assessments of their accuracy and actuarial soundness. His duties also include participation in rate discussions between Consumer Watchdog, insurance companies, and the California Department of Insurance; preparation of the actuarial portions of requests for information submitted to insurers; and research tasks such as catastrophe modeling in insurance ratemaking.

Armstrong is a Fellow of the Casualty Actuarial Society (2019) and a Member of the American Academy of Actuaries with over 12 years of professional experience. Prior to joining Consumer Watchdog, he was

employed by Market Insurance (formerly FirstComp) as a Senior Actuary, performing various actuarial tasks including pricing, reserving, and reinsurance work.

Kaitlyn Gentile

Kaitlyn Gentile is Consumer Watchdog's paralegal. She supports the litigation team in all state and federal court filings and provides administrative and research assistance.

Before joining Consumer Watchdog, Gentile worked at Lambda Legal, where she supported some of the nation's top litigators fighting to achieve the full civil rights of LGBT people and those living with HIV. In this capacity she assisted in preparing and filing impact litigation cases across the country, including 2015's *Obergefell v. Hodges* before the Supreme Court, which achieved marriage equality at the national level. She served as the project coordinator for the organization's work on issues affecting LGBT youth in foster care, juvenile justice, and homeless systems, co-authoring a 50-state policy analysis of out-of-home care systems and advocating for comprehensive nondiscrimination policies at the state and federal level. She also helped two undocumented young people from West Africa obtain Green Cards after they faced rejection and violence by family and community in their countries of origin due to their sexual orientations.

Gentile is a certified English Language Teacher and spent a year teaching in elementary school in Mallorca, Spain. She holds a B.A. in Sociology from the University of Massachusetts at Amherst.