

Daily Journal

JUNE 15, 2016

TOP PLAINTIFF LAWYERS IN CALIFORNIA 2016

In this second annual supplement devote to California's plaintiff bar, the Daily Journal sought to highlight attorneys making a difference far beyond the lives of their clients. Don't get us wrong. Making whole clients physically injured or the victims of corporate malfeasance are noted accomplishments. But the lawyers profiled in this edition didn't stop there. They used their legal skills to forge real and lasting change. Fighting for the little guy is all in a day's work for these lawyers — and often at great personal risk. They put millions of dollars on the line and spend countless hours over many years bringing cases. As you read through this supplement, we think you'll agree that they exemplify the positive force the legal industry can have on people's lives and on society.

— The Editors

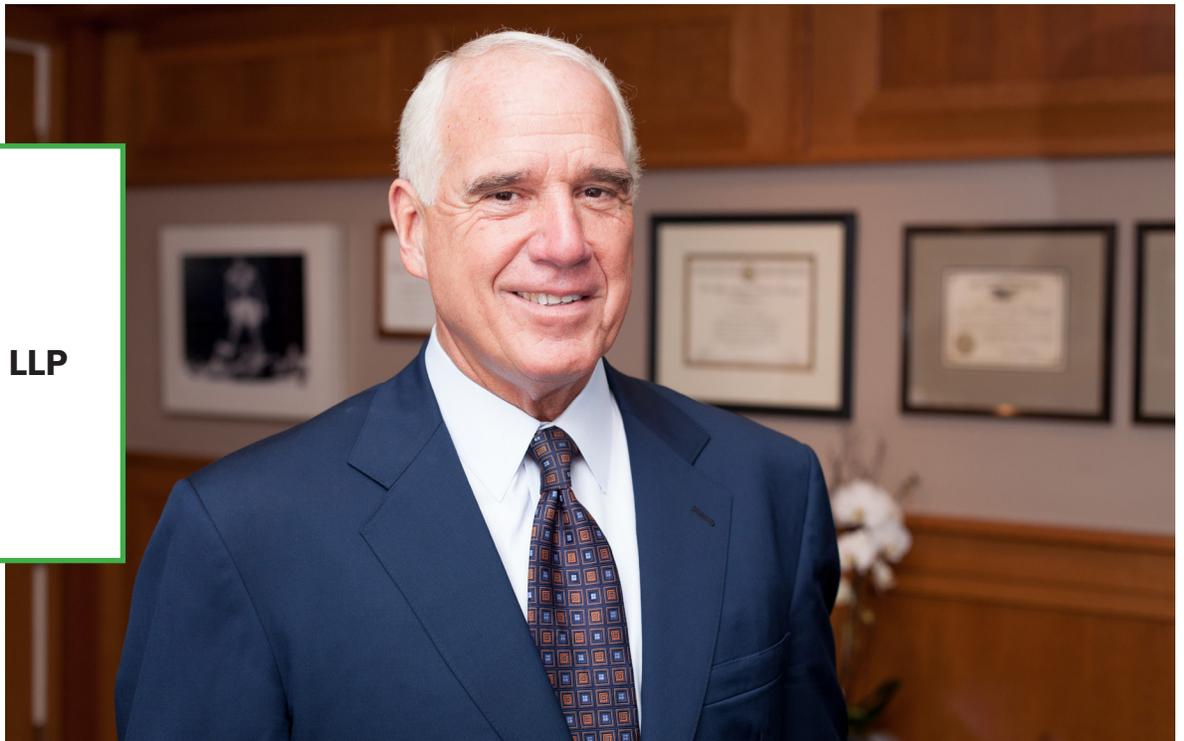
Michael J. Bidart

**Shernoff Bidart
Echeverria Bentley LLP**

Claremont

Practice:

Insurance bad faith,
personal injury



Coming off last year's \$28.2 million medical negligence jury verdict against Southern California Permanente Medical Group for a woman who lost her leg after doctors rejected multiple requests for an MRI, Bidart isn't slowing down. In another complaint involving the world of medicine, he's suing insurers Blue Cross and Blue Shield over their longstanding refusal to pay for Gilead Sciences Inc.'s Harvoni, a drug highly effective in curing hepatitis C.

"It's a silver bullet," Bidart said. "It's 99 percent effective, but it is expensive. I think the insurance industry was frankly shocked both at the cure rate and the price." The drug could top \$90,000 for a 12-week treatment course. Insurers' policy was to OK the drug only for patients in advanced stages of the disease. "That left out a lot of people who could have been cured," Bidart said. His suit is a potential class action on their behalf. *Bravo v. California Physicians' Service*, BC582785 (L.A. Super.

Ct., filed May 22, 2015) The named defendant does business as Blue Shield of California.

Bidart said that after he filed *Bravo* and a second case against Blue Cross of California, the defendants changed their policies and now pay for the Harvoni treatment regardless of the policyholder's disease stage. "People earlier denied have now received treatment and been cured," he said. "I'm extremely pleased that these cases have had an impact beyond the actual litigation. Meanwhile, we will proceed on our claims for delay. If you've paid premiums, you have transferred the risk to the insurer. If there's a beef about the cost of a drug, let the insurer fight the market power of the pharmaceutical industry."

Another big case on Bidart's docket is his effort to hold the state's public pension giant CalPERS accountable for allegedly impermissible health care insurance rate hikes. Some 130,000 potential class members are involved. A Los Angeles trial

judge certified the class in January. "Some had to give up their coverage after — out of nowhere — their premiums increased 85 percent," Bidart said. "Our claim is that CalPERS imprudently invested in the stock market in 2008 and left their insurance plan underfunded." *Sanchez v. California Public Employees' Retirement System*, BC517444 (L.A. Super. Ct., filed Aug. 6, 2013) Settlement talks? "We're still doing discovery," Bidart said. "They haven't gotten the message yet."

As for that \$28.2 million medical negligence award for client Anna Rahm, Bidart said his most compelling courtroom move was to show jurors physical mock-ups of the tumor that took her leg as it grew from the size of a golf ball to that of a grapefruit while doctors declined to perform a standard test. "I asked, 'If this young lady were the daughter of a Kaiser executive, do you think maybe she'd have gotten an MRI?'" Bidart said.

— John Roemer