

Fight to the Finish

Cera LLP's reputation — built on hard work, flexibility, legal savvy and political gumption — is a frequent source of work for the firm, a San Francisco plaintiffs' boutique with a penchant for large class actions.

By Joshua Sebold / Daily Journal Staff Writer

SAN FRANCISCO — Cera LLP may be a small plaintiffs firm, but it's one that's made a name for itself taking on large class actions, especially ones involving antitrust or securities matters.

The firm has made a habit of collaborating with larger plaintiffs' firms, allowing it to take a bite out of larger cases than its five-attorney roster might otherwise be able to pursue, such as in the \$163.5 million titanium dioxide antitrust case the firm led to settlement in 2013. *In re Titanium Dioxide Antitrust Litig.*, 959 F. Supp. 2d 799 (D. Md. 2013).

Solomon B. Cera, the firm's managing partner, has earned a reputation among his peers as a tough litigator with a calm hand who can keep plaintiffs' attorneys aligned and help avoid the bickering that can break out in major class actions with a variety of firms involved.

Paul Mark Sandler, an attorney with Shapiro Sher Guinot & Sandler, who Cera enlisted as trial counsel for the titanium dioxide case, said it was a delicate situation on the plaintiffs' side with a lot of egos in play from various firms, but Cera had the mix of legal savvy and political gumption needed to keep the ship headed in the right direction.

"You had to have a little charisma and Sol has that to calm people down," Sandler said. "He is a virtual encyclopedia of the law."

Cera said reaching settlement with the final defendant the week before trial was exciting, but the way his firm got the case was even more notable.

"I'm particularly proud of our firm's work in that case because a lot of the antitrust cases do follow from Department of Justice investigations or FTC investigations," he said. "We filed it

without the benefit of any investigation from a governmental entity."

After a year of investigation by the firm, it filed suit on behalf of Haley Paint Co., alleging price fixing of the case's eponymous chemical, an extremely common white pigment used in everything from house paint to powdered donuts.

The plaintiffs alleged that DuPont and four other chemical companies conspired to match their prices for roughly a decade. The firm claimed that the collusion occurred after DuPont joined the Titanium Dioxide Manufacturers Association, a European trade group that began allowing non-European members for the first time in 2002, enabling the companies to share global production data on the chemical.

The association left the individual members to their own devices when it came to interpreting the antitrust regulations in their respective countries.

Cera joined the firm more than 30 years ago to work with securities litigator David Gold. Gold passed away unexpectedly in 1998 and, after two other name partners retired, Cera shortened the name from Gold Bennett Cera & Sidener LLP to Cera LLP.

"I refer to him as a mild-mannered, self-effacing Clark Kent-type for his firm," said Robert C. Friese, one of the founding partners of Shartsis Friese LLP who has worked cases alongside Cera and litigated against him.

Friese said Cera has done an impressive job of leading his own firm, particularly with the slowdown that has occurred in securities litigation.

"He's a good, hard fighter, very smart, very experienced and a worthy competitor and, if you're on the same side, a nice guy to work with," Friese said.

The firm's reputation is a frequent source of work. John Sender, a client



Sam Attal / Special to the Daily Journal

Thomas C. Bright, top left, with Louis A. Kessler, top right, and Solomon B. Cera, front left, with Pamela A. Markert, attorneys at small plaintiffs firm Cera LLP in San Francisco.

of the firm who works in development and real estate investment management, said he was looking for an attorney in the San Francisco Bay Area to help him pursue a securities case and "Sol's name kept popping up. I talked to ten different attorneys. I bet you 60 percent of them mentioned him."

Sender said the firm backed up that reputation with a level of responsiveness and an ability to communicate legal concepts to a client that he hasn't experienced with other attorneys.

The firm works on a contingency basis, with rates that run between \$400 and \$900 per hour.

Cera said the firm has been able to use contract attorneys and collaboration with other plaintiff's firms to keep its footprint small, as he and his fellow attorneys enjoy the small firm life.

The firm doesn't have immediate plans for expansion, but one attorney, C. Andrew Dirksen, recently moved to Boston, where he and his family have lived in the past, to open up a second office.

The move was intended to help the firm handle its East Coast caseload, which has grown to more than half the firm's book of business.

Dirksen, who has been with the firm for 15 years, said the mix of doing

high-level antitrust work with a small platform was exactly what he was looking for when he joined the firm.

He was co-lead on the titanium dioxide case and is doing extensive work on another cartel matter, targeting cast iron pipe manufacturers. *Hi Line Supply Co. Ltd., et al v. Unknown Defendant*, 14-MD 2508 (E.D. Tenn., filed Feb. 18, 2014).

"They control the cast iron supply in the United States," he said. "I really like pursuing corporations both domestic and multinational for price fixing."

Cera said cast iron pipe is used in the vast majority of commercial buildings in the country.

The firm is also working on a unique antitrust case that Cera hopes will have a larger reach than other auto parts cases that have become common recently.

"As we've pled it, it is not confined to bearings used as an auto part. We believe it's a broader conspiracy involving both industrial usages and auto parts."

The firm continues to increase its focus on antitrust, but Cera says the firm has the ability to stretch.

"If a case is good, no matter what the area it's in, we will pursue it, but the core is securities and antitrust litigation and I think it always will be."