

This is a newsletter prepared by lawyers to apprise folks about the law, cases, safety, and significant events. Coopers LLP has lawyers licensed in California, Oregon, and Washington state, and accepts referrals and co-counsel opportunities to better serve the plaintiff community.

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COOPERS' COUNSEL

Stories, case studies, and practice pointers
from personal injury law experts

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CONTENTS

- 2 CASE SPOTLIGHT | Dismantling the denial machine
- 5 PRACTICE POINTER | Hard to get
- 8 COOPERS' CODE | From immigrant to elite advocate
- 10 TEAM STORY | Building trust from day one
- 12 COMMUNITY | Learning and lobbying in Sacramento



Coopers LLP helps seriously injured people and accepts referrals and co-counsel opportunities from lawyers. We excel in strategizing. Have a matter you'd like to brainstorm? **Call or text us at 866-912-2789.**

Coopers LLP has lawyers licensed in California, Oregon, and Washington state, and can affiliate with local counsel on matters where Coopers can make the difference.

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A LETTER FROM THE COOPERS



As we write this we are starting trial against a large defendant. The defendant has eight lawyers in the courtroom, is represented by three different law firms, and is presenting as the Goliath one would expect. And we wouldn't have it any other way. Great sparring partners sharpen our skills. As consumer lawyers we learn that the Davids of the world — focused, nimble, relentless — are well-positioned to prevail against larger adversaries.

It has been said that a trial is the failure of one side or the other to properly assess risk. We've done our focus groups, surveys, and polls. One of us will likely land on the wrong side of their assessment. We're doing everything in our power to make sure it is the defense.

Which brings us to this issue. A through line in the work we do, the people we work with, and our community efforts is that we are all fighting to make our world a better place. You'll see that with a recent case holding an insurance company to the terms it promised its insured and attempted to weasel out of. You'll see it in our approach to defendants withholding information in litigation. You'll see it in the passion displayed by one of our newer team members, Luci Anderson. And you'll see it in the relentless nature our podcast guest Nina Shapirshteyn brings to her work.

In your life's efforts and Goliath takedowns we wish you the best.

Happy hunting,

M&M

Miles B. Cooper, Maryanne B. Cooper, and everyone at Coopers LLP

CASE SPOTLIGHT

DISMANTLING THE DENIAL MACHINE

\$10 million judgment goes to trial as a bad faith case

In a previous issue, we shared the heartbreaking story of a young boy and his mother. While on a morning walk in their California condo complex, they were brutally attacked by a pit bull that had escaped through a door left ajar during common area maintenance.

Andrea Posey, Miles Cooper, and Maryanne Cooper secured a \$10 million judgment for the family. But for the victims, that judgment was only half the battle. The real fight was just beginning — this time against an insurance giant that refused to pay.

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The denial: A technicality over the truth

All unit owners in the complex were covered under a \$1 million liability policy with Farmers (Truck Insurance Exchange) for incidents “arising out of” common area maintenance. Because the dog escaped while the owner’s mother was sweeping the common sidewalk, the link was clear.

However, Farmers denied coverage. They argued that the sweeping didn’t cause the bite; the dog’s “vicious nature” did. By abandoning their insured, Farmers left the unit owner defenseless and the victims without the compensation the court had awarded them.

The strategy: Navigating the bad faith maze

Prosecuting a bad faith claim is an exercise in legal chess. It requires navigating a minefield of coverage evaluations and setting up a non-collusive underlying trial. Getting the judgment was the first step. The

second step? Bringing Farmers to heel via a separate insurance bad faith case. That required specialty counsel, which is where Terry Coleman of Pillsbury & Coleman, LLP came in. The road wasn’t easy. The first insurance bad faith trial ended in a mistrial. Despite a previous settlement offer of \$1.25 million, Farmers walked into the retrial offering zero dollars, betting that a jury wouldn’t hold them accountable for a \$10 million underlying judgment on a \$1 million policy.

The smoking gun: The “Closing Ratio”

During the two-week trial in Alameda County, the team uncovered previously hidden and systemic corruption within Farmers’ claims-handling process. Farmers’ Coverage Review Team was incentivized by a “Closing Ratio” performance goal. The fastest way to “close” a claim? Deny it. Data revealed that this team found “no coverage” nearly 78% of the time. This wasn’t just a mistake in the moment. Farmers incentivized a “denial machine” designed to prioritize corporate metrics over policyholder rights.

The result: Accountability beyond the policy limit

The jury saw through the excuses. They returned a verdict finding that Farmers acted in bad faith. As a result, Farmers is now responsible for the full \$12.5 million (the original judgment plus interest) — more than twelve times the original policy limit.



Why it matters

This victory is about more than one family. The evidence of Farmers' "Closing Ratio" claims practices have now been shared with policyholder counsel nationwide. By exposing this practice, the lawyers involved help ensure that other insured individuals victimized by this "denial machine" can finally obtain justice.

At Coopers LLP, we don't just stop when the first judgment is signed. Whether we are fighting a reckless trucking company or an insurance carrier acting in bad faith, we relentlessly pursue the outcome — sometimes with our insurance specialty allies — to make sure our clients receive just compensation. Exposing systemic rot here and there is an added benefit.

Original prosecuting attorneys: Andrea Posey, Maryanne Cooper, and Miles Cooper

Insurance bad faith counsel: Terry Coleman of Pillsbury & Coleman, LLP



Andrea Posey, Maryanne Cooper, Miles Cooper, and Terry Coleman.

Co-Counsel Corner: Are you handling a case with a significant injury and facing a no coverage situation? Give us a ring so that we can brainstorm it together. Nothing makes us happier than holding carriers accountable. We take special joy in helping prepare a case for a successful insurance bad faith win like this or our recent \$142 million trucking judgment in preparation for a broker negligence prosecution.

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PRACTICE POINTER

HARD TO GET

Discovery obstruction costs the defense more in the long run

By Miles Cooper

You may find this familiar: the responses to document demands have come in, and the production was thin. Suspiciously thin. As in a couple pages. What used to be more isolated has been becoming more and more common. Non-answer answers to discovery. Non-production production. Persons least knowledgeable. These seemed to be used increasingly as tests: are the plaintiffs' lawyers willing to do the extra work to jump through court hoops to get what the parties should be required to produce?

If you give an opposing counsel an inch...

We know we're not the only ones experiencing this. Why is it happening? There are a variety of possibilities. Plaintiffs' work favors efficiency. Defense work favors billables. Sometimes some plaintiffs' lawyers (but certainly not you, dear reader) will take what they get in that first discovery round without holding the defense accountable. That apathy emboldens the defense. When one does hold the defense accountable through motion practice, state courts tend to keep sanctions in the low to none range. If the ruleset says most plaintiffs' lawyers won't follow through since it is too hard — and if they do the penalties are minimal — can we blame the defense for their approach? It is incumbent upon us to change the narrative. The reasons go beyond holding folks accountable. Beyond laziness and testing us the defendant sometimes attempts to hold back the harmful facts. We won't know that until we push (and push, and push).

The necessary steps

When responses look incomplete, the first step is to be direct without being accusatory. Identify the concerns (in writing) to prepare the ground-work for what might later require motions. Don't assume ill intent on behalf of the defense counsel. They are overworked, underpaid, and often kept in the dark by their clients. Help them do their job and reach their billables by holding their clients accountable. As one moves through the meet and confer process one should create a record that is unambiguous. When the



meet and confer fails to produce results (which it most likely will), the motion to compel is the next step.

Judges notice which lawyers follow through. They also notice which ones don't. Filing a motion to compel signals something: this side is serious. When the court grants the motion and orders further responses, compliance is not optional. If the defense fails to comply with a court order, the arsenal expands. Motions for issue sanctions can preclude the defense from contesting facts. Terminating sanctions, while rare, are available when the conduct warrants them. The existence of these tools matters less than the willingness to use them.

What gets found

There is a direct reason to fight for thorough responses and production beyond making a point. The reasons for failing to provide complete responses are multilayered. One can be laziness or a test. Another is that

the information is harmful. In a recent case, a defendant driver acknowledged eye issues during a deposition in a disputed liability collision. It took six months and three motions to get the eye doctor's name and then the records. What did we learn? That the driver had an eye procedure immediately before the collision, that the procedure temporarily altered one's vision, and that driving was forbidden. That's case-altering: an amendment for punitive damages followed. If we were not diligent, we would not have altered the playing field in such a significant way.

How the defense reads it

Defense counsel and carriers pay attention to the firms and lawyers who are willing to do the work. The lawyers who follow through, build their cases for successful trial outcomes, and are willing to try cases are the ones who get their clients the best resolutions. One does not need to be a trial dog to get there. The work on the eye records described above was performed by a younger talented lawyer who simply would not back down. Doing this work has a secondary benefit for everyone in our trade.

If we all perform the work, if we all hold the opposing sides accountable, we raise the trial bar for everyone. And for those who truly slam wrongdoers like the firm that caught defense counsel texting witnesses in deposition about how to answer questions (props to Steven Azizi, Caitlyn Handy, and Justin Hanassab for *Joe Joven v. Dreyer's Grand Ice Cream Inc. et al.*, Alameda County Case No. 24CV075650 — search it up for more), know that what helps one case helps us all.

A version of this article originally appeared in Plaintiff magazine, where Miles has written his monthly Back Story column for almost 15 years. Interested in Plaintiff and its coverage? Read more at plaintiffmagazine.com.

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COOPERS' CODE

FROM IMMIGRANT TO ELITE ADVOCATE

The Nina Shapirshteyn masterclass

In a compelling conversation on *Coopers' Code*, Miles Cooper pulls back the curtain with one of California's most formidable and relentless trial advocates: Nina Shapirshteyn.



Nina's reputation is legendary.

As a partner at Abramson Smith Waldsmith LLP, Nina has built a legendary reputation for securing blockbuster verdicts in complex catastrophic personal injury and wrongful death cases. In this extensive two-part interview, she shares her inspiring personal journey and lays out the exact courtroom blueprints she uses to defeat well-funded corporate giants.

Part 1: The journey and the drive

The first episode dives into the human story behind the attorney. Growing up in Soviet-era Ukraine and arriving in the United States as a teenager, Nina had to rapidly adapt to a new language, a new culture, and a completely different way of life.

She shares the relentless work ethic required to build her legal career from the ground up and explains how her background as an immigrant fueled an unyielding empathy for the underdog. Listeners will discover

how she transformed the initial challenges of being an outsider into her ultimate superpower: an extraordinary ability to connect with juries across all demographics through radical authenticity and clear, human storytelling.

Part 2: The anatomy of a multimillion-dollar verdict

In part two, the conversation shifts from personal history to raw trial tactics. Nina walks through the sophisticated frameworks she uses to prepare a case for trial, offering wisdom for attorneys and general audiences alike:

- **The power of focus groups:** Nina explains why she heavily relies on intensive focus groups to test her arguments, refine her language, and expose hidden weaknesses in her narrative long before opening statements.
- **Dominating with demonstratives:** A look at how cutting-edge visual storytelling and high-tech courtroom graphics can bridge the gap between complex engineering or medical evidence and a jury's common sense.
- **Dismantling corporate experts:** Tactics for successfully cross-examining defense experts by anchoring every question in foundational truths.

Why you should watch

Nina's career is the perfect example of what happens when intellectual brilliance meets a profound sense of purpose. Whether you are looking to sharpen your own cross-examination skills, interested in the high-stakes world of personal injury litigation, or simply love a story about overcoming massive odds to do what is right, this two-part series is a must-watch.

Watch now on YouTube:



Part 1: The journey and the drive



Part 2: Anatomy of a multimillion-dollar verdict

TEAM STORY

BUILDING TRUST FROM DAY ONE

Meet Luci Anderson, Administrative Assistant



Every successful trial firm relies on a rock-solid foundation of meticulous execution and operational trust. At Coopers LLP, part of that vital support comes from our exceptional operations team, and we are delighted to introduce you to one of its newest pillars: Luci Anderson, our Administrative Assistant.

Luci's journey to the legal field began with a deep commitment to systemic advocacy. While majoring

in environmental studies in college, she had the unique opportunity to intern in Congress, where her passion for impactful policy took root. However, when graduation arrived, a shifting job market and federal cuts forced her to pivot her initial plans.

Fortunately for us, her core motivation remained completely unchanged. "What drew me to environmental policy in the first place was the justice element — the idea that policy can be a vehicle for genuinely helping people and making things right," Luci shares. "When I spoke with the team at Coopers, I recognized that same thread. The work means showing up for people, often after the hardest moments of their lives, and helping them get the support and justice they deserve."

Authenticity over buzzwords

As a recent graduate entering the professional world, finding the right culture was paramount for Luci. During her interview process, Coopers immediately made a mark with its sincerity.

"What stood out to me was how clear it was that the employees I spoke with genuinely enjoyed where they worked. Their answers weren't rehearsed; they truly believed in what they were saying," she notes.

Entering a room of seasoned trial professionals can be daunting for any young professional, but Luci found an environment that championed her positionality from day one. "Not once was my age or lack of full-time experience brought up in a negative light. I was treated as an equal."

Coopers holds high expectations rooted in balance and mutual accountability. The firm expects employees to bring their absolute best to the table, but pairs that with a culture of open communication and leading by example.

Earning the "send and delete" standard

During her initial interview, Luci asked what true success would look like in her role. The answer she received became her professional north star: *"being able to send and delete."* In other words, building enough operational trust that an attorney could hand off a critical task to her and entirely delete it from their mental checklist, knowing it was in expert hands.

In her first few months, Luci has proudly proven that dedication as her responsibilities have steadily grown. Recently, she got to dive straight into the high-octane world of active litigation as one of the firm's massive cases prepared for trial. "Helping to prepare through focus groups and intensive work sessions has been hugely fascinating and really exciting to be a part of," she says.

Local flavors and foodie pro tips

When she isn't keeping our administrative wheels turning or helping the trial team prep for court, Luci loves exploring the culinary landscape. While she primarily enjoys cooking at home, this San Francisco native is a firm believer that the city boasts one of the best restaurant scenes in the world.

For those looking to refresh their dining hit-list, Luci offers a few of her top local recommendations: Che Fico, Regent Thai, and Panchita's.

We are incredibly proud to have Luci's sharp mind, unwavering dedication, and genuine passion for justice on our team. The next time you call or visit the office, be sure to say hello — she's likely the first voice you'll hear.

COMMUNITY

LEARNING AND LOBBYING IN SACRAMENTO

CalBike's lobby day and biannual summit

Every two years CalBike, the statewide organization that fights for cyclists' safety, hosts a summit. This year it returned to Sacramento. In doing so it provided both an educational opportunity at the summit and outreach opportunity to state legislators. Because bicycling and e-bike cases are a significant subset of our cases at Coopers, we sent Miles up to Sacramento to get his work on. And the summit can get wonky indeed. It is one of the best places to learn about changes to roadway design standards. As more and more people turn to e-bikes and other powered devices like scooters for transport, road designers are making adjustments. Knowing about the changes helps us assess potential roadway design cases.

It is also a great place to hear about the mobility challenges we are facing. While legal e-bikes are wonderful tools for commuters, parents, and those looking to reduce their car use (and carbon footprint), the market has been flooded with illegal e-motos that are dangerous to riders and pedestrians. What's an e-moto? Anything that goes beyond the Class 3 e-bike standard of being pedal-assisted and limited to 28 miles per hour. The kids popping wheelies at 40 miles an hour are actually riding illegal e-motos. And most parents don't really know the difference.

That led to our efforts at the capital to educate legislators. Because of the rash of illegal e-motos there are a lot of well-meaning legislators looking for regulatory solutions. Many of the ones initially proposed punished legal e-bike riders without moving the needle on safety. Fortunately, through the efforts at the summit's Lobby Day, CalBike's organizational leadership, and the efforts of vocal e-bike riders, the negative bills did not proceed.

Being learners and being granular in an issue is just one way we make sure we give our best to our clients and our community. Thanks CalBike for putting on such a wonderful session!

