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<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Michael Broad SBN: 121348</b>  <b>Law Offices of Michael Broad</b>  <b>166 Santa Clara Ave., Oakland, CA 94610</b></p> <p>TELEPHONE NO.: 510-835-5772 FAX NO. (Optional):  E-MAIL ADDRESS (Optional):  ATTORNEY FOR (Name): <b>Oakland Port Services dba AB Trucking</b></p>	<p>FOR COURT USE ONLY</p> <p><b>FILED</b>  <b>ALAMEDA COUNTY</b></p> <p><b>FEB 27 2009</b></p> <p>CLERK OF THE SUPERIOR COURT  By <u><i>Susan Cochran</i></u>  Deputy</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Alameda</b>  STREET ADDRESS: <b>1225 Fallon St.</b>  MAILING ADDRESS:  CITY AND ZIP CODE: <b>Oakland, CA 94612</b>  BRANCH NAME:</p>	<p>CASE NUMBER:  <b>RG08 379099</b></p>
<p>PLAINTIFF/PETITIONER: <b>Lavon Godfrey, et al.</b>  DEFENDANT/RESPONDENT: <b>Oakland Port Services dba AB Trucking</b></p>	
<p><b>CASE MANAGEMENT STATEMENT</b></p> <p>(Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b>      <input type="checkbox"/> <b>LIMITED CASE</b>  (Amount demanded exceeds \$25,000)      (Amount demanded is \$25,000 or less)</p>	
<p>A CASE MANAGEMENT CONFERENCE is scheduled as follows:  Date: <b>March 12, 2009</b>      Time: <b>3:15 p.m.</b>      Dept.: <b>24</b>      Div.:      Room:  Address of court (if different from the address above):</p> <p><input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):</p>	

**INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.**

1. **Party or parties (answer one):**
  - a.  This statement is submitted by party (name): **Oakland Port Services dba AB Trucking**
  - b.  This statement is submitted jointly by parties (names):
  
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
  - a. The complaint was filed on (date):
  - b.  The cross-complaint, if any, was filed on (date):
  
3. **Service (to be answered by plaintiffs and cross-complainants only)**
  - a.  All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
  - b.  The following parties named in the complaint or cross-complaint
    - (1)  have not been served (specify names and explain why not):
    - (2)  have been served but have not appeared and have not been dismissed (specify names):
    - (3)  have had a default entered against them (specify names):
  - c.  The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
  
4. **Description of case**
  - a. Type of case in  complaint       cross-complaint      (Describe, including causes of action):  
                                 **wage and hour class action**

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4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

This is a putative class action where plaintiff claims multiple wage and hour Labor Code and related statutory violations. Defendant is a small operation trucking company and disputes plaintiff can certify this matter as a class action, as well as the underlying liability for the alleged violations.

*(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request  a jury trial  a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a.  The trial has been set for *(date)*:  
 b.  No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

a.  days *(specify number)*:  
 b.  hours (short causes) *(specify)*:

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial  by the attorney or party listed in the caption  by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. Fax number:
- f. E-mail address:
- g. Party represented:

Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference *(specify code section)*:

10. **Alternative Dispute Resolution (ADR)**

a. Counsel  has  has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.

b.  All parties have agreed to a form of ADR. ADR will be completed by *(date)*:

c.  The case has gone to an ADR process *(indicate status)*:

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10. d. The party or parties are willing to participate in (check all that apply):

- (1)  Mediation  
(2)  Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)  
(3)  Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)  
(4)  Binding judicial arbitration  
(5)  Binding private arbitration  
(6)  Neutral case evaluation  
(7)  Other (specify):

Defendant will consider alternative dispute resolution after sufficient discovery has been done

- e.  This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.  
f.  Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.  
g.  This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

- a.  Insurance carrier, if any, for party filing this statement (name):  
b. Reservation of rights:  Yes  No  
c.  Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

Bankruptcy  Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a.  There are companion, underlying, or related cases.  
(1) Name of case:  
(2) Name of court:  
(3) Case number:  
(4) Status:  
 Additional cases are described in Attachment 14a.  
b.  A motion to  consolidate  coordinate will be filed by (name party):

15. Bifurcation

The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

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17. **Discovery**

- a.  The party or parties have completed all discovery.
- b.  The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Defendant (pre certification)	written discovery to plaintiffs	July 2009
Defendant (pre certification)	Deposition of Plaintiffs	August 2009

- c.  The following discovery issues are anticipated (*specify*):

Defendant has taken one day of deposition of newly joined Plaintiff, Gary Gilbert. The parties will pick a date for his next session. Also, there has been discussion on the viability of Plaintiff's Port of Oakland Living Wage Amendment; discovery is being pursued on this issue.

18. **Economic litigation**

- a.  This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b.  This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. **Other issues**

- The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. **Meet and confer**

- a.  The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Total number of pages attached (*if any*): \_\_\_\_\_

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: February 27, 2009

Michael Broad  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

  
 \_\_\_\_\_  
 (SIGNATURE OF PARTY OR ATTORNEY)

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

PROOF OF SERVICE

I declare that I am employed in the County of Alameda, California. I am over the age of 18 years and not a party to the within-entitled cause my business address is 166 Santa Clara Ave. Oakland, California 94610.

On February 27, 2009 I served the following: Defendant Oakland Port Services CMC Statement on the interested parties in this action,

XX by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

\_\_\_\_\_ by transmitting a true copy thereof, addressed as follows:

David A. Rosenfeld  
Caren P. Sencer  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091

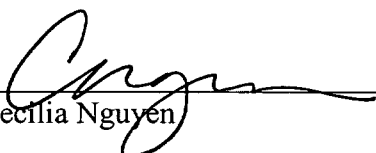
XX (By first class mail) I placed such envelope in the mail, postage fully prepaid, at Oakland, California on the same day.

\_\_\_\_\_ (By personal service) I caused such envelope to be delivered by hand to the offices of the addressee.

\_\_\_\_\_ (By telecopier transmission (FAX)) I caused such document(s) to be transmitted by Fax machine to the office of the addressee.

XX (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 27<sup>th</sup> day of February, 2008 at Oakland, California.

  
Cecilia Nguyen