

MC-051

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	FOR COURT USE ONLY
Guy A. Bryant, #146190; Meredith E. Brown, #142134	
Bryant & Brown	·
476 Third Street	
Oakland, CA 94607	ALAMEDA COUNTY
TELEPHONE NO.: 510-836-7563 FAX NO.: 510-836-7564	
ATTORNEY FOR (Name): Oakland Port Services Corp., d/b/a/ AB Trucking	IIINI TO DOLO
NAME OF COURT: Alameda County Superior Court	JUN 1 8 2013
STREET ADDRESS: 1221 Oak Street	
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MAILING ADDRESS: October 1 C A 04612	AND THE STATE OF T
CITY AND ZIP CODE: Oakland, CA 94612	(1) DE 1100
BRANCH NAME:	Sepury
CASÉ NAME:	CASE NUMBER:
Lavon Godfrey, et al. v. AB Trucking, et al.	RG08379099
	HEARING DATE: 7/12/13; R-1407813
	r
NOTICE OF MOTION AND MOTION	DEPT.: 20 TIME: 10:00 am
TO BE RELIEVED AS	BEFORE HON.: Robert B. Freedman
COUNSEL—CIVIL	DATE ACTION FILED: March 28, 2008
	TRIAL DATE: February 14, 2012
TO (name and address of client): Oakland Port Services Corp., d/b/a AB Trucking	g, C.O. Bill Aboudi, II Burma
Road, Oakland, CA 94607	
1. PLEASE TAKE NOTICE that (name of withdrawing attorney): Guy A. Bryant	· · · · · · · · · · · · · · · · · · ·
moves under California Code of Civil Procedure section 284(2) and California Rules of Co	ourt_rule 3 1362_for an order permitting
the attorney to be relieved as attorney of record in this action or proceeding.	ourt, rate of room, for all order permitting
the attorney to be reneved as attorney of record in this action of proceeding.	
A hearing on this motion to be relieved as counsel will be held as follows:	
	
a. Date: July 12, 2013 Time: 10:00 am Dept.: 20	Room:
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a. Date: July 12, 2013 Time: 10:00 am Dept.: 20 b. The address of the court: same as noted above other (specify):	Room:
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MC-051

CASE NAME:

— Lavon Godfrey, et al. v. AB Trucking, et al.

RG08379099

NOTICE TO CLIENT

If this motion to be relieved as counsel is granted, your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties on the following list:

A guardian

A personal representative

A guardian ad litem

A conservator

A probate fiduciary

An unincorporated association

A trustee

A corporation

If you are one of these parties, YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION. Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.

5. If this motion is granted and a client is representing himself or herself, the client will be solely responsible for the case.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

If this motion to be relieved as counsel is granted, you will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.

6. If this motion is granted, the client must keep the court informed of the client's current address.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

If this motion to be relieved as counsel is granted, the court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.

Date: June 18, 2013

Guy A. Bryant

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

Attorney for (name): AB Trucking

Continued	on	Attachment	2.

3. Service

a. Attorney has
(1) personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
(2) served the client by mail at the client's last known address with copies of the motion papers served with this declaration.
b. If the client has been served by mail at the client's last known address, attorney has
(1) confirmed within the past 30 days that the address is current

detriment of all. (See Declaration of Guy A. Bryant in support of 6/7/13 hearing on Motion to be

Relieved as Counsel dated and filed 5/14/13 attached hereto and incorporated herein.) At the June 7, 2013

Hearing the Court indicated that it would be inclined to grant a renewed motion to be relieved as counsel

confirmed within the past 30 days that the
(a) by mail, return receipt requested.
(b) by telephone.
(c) by conversation.
(d) by other means (specify):

if all judicial council forms were timely filed.

(Continued on reverse)

Lavon Godfrey, et al. v. AB Trucking, et al.	CASE NUMBER: RG08379099
2 h (2)	
 b. (2) been unable to confirm that the address is current or to locate a more current following efforts: (a) mailing the motion papers to the client's last known address, return (b) calling the client's last known telephone number or numbers. (c) contacting persons familiar with the client (specify): 	
(d) conducting a search (describe):	
(e) other (specify):	
c. Even if attorney has been unable to serve the client with the moving papers, the cour relieved as counsel of record (explain):	t should grant attorney's motion to be
 4. The next hearing scheduled in this action or proceeding a is not yet set. b is set as follows (specify the date, time, and place): 	
July 12, 2013 at 10:00 am in Dept. 20 of the Alameda County Successful concerns (describe the subject matter of the hearing):	aperior Court
Continued on Attachment 4.	
5. The following additional hearings and other proceedings (including discovery matters) as describe the date, time, place, and subject matter): NA	re presently scheduled in this case (for each,
Continued on Attachment 5.	
5. Trial in this action or proceeding a is not yet set. b is set as follows (specify the date, time, and place):	
7. Other. Other matters that the court should consider in determining whether to grant this	motion are the following (explain):
declare under penalty of perjury under the laws of the State of California that the foregoing	is true and correct
Date: June 18, 2013	
Guy A. Bryant (TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)

2 3 4 5		E STATE OF CALIFORNIA ΓΥ OF ALAMEDA
10		•
11	LAVON GODFREY and GARY GII RERT)	Case No.: RG 08-379099
12	LAVON GODFREY and GARY GILBERT, on behalf of themselves and all other similarly situated,	DECLARATION OF GUY A. BRYANT IN SUPPORT OF MOTION TO BE RELIEVED AS COUNSEL. CCP 8 284
13	Plaintiffs,	RELIEVED AS COUNSEL; CCP § 284.
14	vs.	Action Filed: March 28, 2008 Hearing Date: June 7, 2013
15	OAKLAND PORT SERVICES CORP. d/b/a	Dept.: 20 Time: 10:00 a.m. Trial Date: February 14, 2012
16	AB TRUCKING, and DOES 1-20	Before Honorable Judge Robert B. Freedman
17	Defendant.	Reservation Number: R-1395638
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DECLARATION OF GUY A. BRYANT IN SUPPORT OF MOTION TO BE RELIEVED AS COUNSEL

Page 1 of 3

I, Guy A. Bryant, declare that I am an attorney licensed to practice before all courts of the State of California, and am the attorney of record for Defendant OAKLAND PORT SERVICES CORP. d/b/a AB TRUCKING, a California Corporation, (collectively hereinafter referred to as "AB Trucking" or "Defendant") in the above-entitled action. If called to testify I could competently attest to the following from my personal knowledge:

- 1. On November 23, 2011, Bryant & Brown substituted into this case after prior legal counsel, Jay Aboudi, suffered a medical condition requiring his immediate exit from representing AB Trucking. Bryant & Brown had to prepare for a class action trial to begin on February 14, 2012, where AB Trucking was accused of violating state overtime laws, meal & rest break laws, and local Oakland Living Wage ordinances.
- 2. The Court conducted a 10 day bench trial between February 14, 2012 and March 12, 2012. Plaintiffs ultimately dismissed their overtime claims and the Court dismissed all claims regarding the Oakland Living Wage violations. Despite the vigorous efforts of Bryant & Brown to defend the interests of AB Trucking in this pending litigation, AB Trucking fell substantially behind in its agreed payments to Bryant & Brown for legal services provided beginning in the fall of 2012.
- Attached to this declaration is a true and correct copy of the March 7, 2013, letter to Mr. William Aboudi notifying him of Bryant & Brown's termination of legal services to AB Trucking for failure to pay legal fees.
- 4. Attached to this declaration is a true and correct copy of the May 1, 2013, letter to Mr. William Aboudi alerting him of the consequences to a corporation for not having legal representation if Bryant & Brown were to withdraw from representing AB Trucking for non-payment of legal fees.

I declare under the penalty of perjury that the foregoing is true and correct. Executed in Oakland, California. Dated this 14th day of May, 2013. Respectfully Submitted, 6 Guy A Bryant
Bryant & Brown
Attorney for Defendant 9 13 14 15 16 24



ATTORNEYS

Guy A. Bryant Meredith E. Brown 476 Third Street Oakland, Ca 94607 TEL: 510.836.7563

FAX: 510.836.7564 www.bryantbrownlaw.com

March 7, 2013

VIA E-MAIL & U.S. MAIL
Mr. William Aboudi
Oakland Maritime Support Services
11 Burma Road
Oakland, California 94607

RE: Northern California River Watch v. Oakland Maritime Support Services

Lavon Godfrey v. Oakland Port Services dba AB Trucking

Billing/Notice of Termination

Dear Bill:

I am writing regarding the outstanding balance on your invoices for legal services for Oakland Maritime Support Services ("OMSS") and Oakland Port Services dba AB Trucking ("AB") which are in arrears in the amount of approximately for OMSS and for AB, respectively, for a period of more than sixty (60) days. Please bring your account current no later than March 15, 2013 to avoid withdrawal of legal services from this law office. Bryant & Brown is unable to continue to represent you and maintain the level of service that our clients expect without payment as set forth in the Agreement for Legal Services between this office and you.

Enclosed please find a copy of the December 28, 2012 invoice for legal services provided to OMSS reflecting the outstanding balance of \$\frac{1}{2}\$ which remains past due in the amount of \$\frac{1}{2}\$ as of this date. This office received a payment of \$\frac{1}{2}\$ Also enclosed is the invoice for legal services dated November 28, 2012 provided to AB reflecting the outstanding balance of \$\frac{1}{2}\$ which remains past due in the amount of at this time. As we have noted in prior correspondence, this office cannot continue to represent you, or carry any your past due balance, unless you make a substantial payment against your overdue balance.

March 7, 2013

Please note that the April 19, 2013 Expert Witness Report due date, the May 17, 2013 Expert Witness Report Rebuttal date, the May 9, 2013 Case Management Conference court date, and the June 21, 2013 due date for completion of expert discovery are approaching and much legal preparation is required in advance of these court dates. Additionally, this office has tried to have a meet with you present to discuss the OMSS litigation and you have not cooperated with us as legal counsel regarding your representation.

Pursuant to our contract for legal services, this office is providing written notice that we will have to cancel our representation and move the court to be relieved as legal counsel on this case within 30 days of the date of this letter unless payments are made in accordance with the Legal Services Agreement between you and this office.

Please contact me or Guy Bryant to confirm that past due payments will be made by March 15, 2013.

Sincerely,

Meredith E. Brown

Bryant & Brown Law Office

Encl.

CC: Guy A. Bryant

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ATTORNEYS

Guy A. Bryant Meredith E. Brown

476 Third Street Oakland, Ca 94607 TEL: 510.836.7563 FAX: 510.836.7564

www.bryantbrownlaw.com

May 1, 2013

VIA FACSIMILE & U.S. MAIL (510) 544-6858 Mr. William Aboudi Oakland Maritime Support Services 11 Burma Road Oakland, California 94607

RE:

Notice of Consequences of Failure to Obtain Representation for

Corporation

Northern California River Watch v. Oakland Maritime Support Services

Lavon Godfrey v. Oakland Port Services dba AB Trucking

Dear Bill:

Please accept this letter as notification that Oakland Maritime Support Services ("OMSS") and Oakland Port Services dba AB Trucking ("AB Trucking") may not appear without an attorney in a California state court and federal district court. Accordingly, OMSS must obtain new counsel to finalize the proposed settlement in the Northern California River Watch v. Oakland Maritime Support Services litigation. Failure to obtain representation could result in a forfeiture of the proposed settlement and inability to appear in the Case Management Conference scheduled for June 20, 2013 as well as other pre-trial hearings and the trial scheduled in this matter for March 14, 2014.

Likewise, AB Trucking must obtain new counsel if it wishes to pursue appeal of any post trial decision in the matter of Lavon Godfrey v. Oakland Port Services dba AB Trucking. Failure to obtain representation could result in a forfeiture of rights that may be available regarding appeal, if and when a decision is rendered in that matter.

As explained in my earlier correspondence of March 7, 2013 and April 25, 2013 and the correspondence of Guy Bryant dated April 22, 2013 notifying you of our intent to withdraw as counsel of record; we have not heard from you with regard to a strategy to pay for overdue invoices. Bryant & Brown is unable to represent you and maintain the level of service that our clients expect without payment as set forth in the Agreement for Legal Services between this office and you in these matters.

William Aboudi
Notice of Consequences of Failure to Obtain Representation for Corporation
Northern California River Watch v. Oakland Maritime Support Services
Lavon Godfrey v. Oakland Port Services dba AB Trucking

May 1, 2013

Please let me know if an when you obtain new counsel to represent the corporations AB Trucking and OMSS and if you choose to represent yourself as an individual in the Northern California River Watch v. Oakland Maritime Support Services matter so that the court can be notified.

Sincerely,

Meredith E. Brown

Bryant & Brown Law Office

Encl.

CC: Guy A. Bryant

CASE NAME:	<u></u>
Lavon Godfrey et al. v. AB Trucking, et al.	CASE NUMBER: RG08379099
The following additional hearings and other proceedings (including discover time, place, and subject matter of each):	ry matters) are set in this action (describe the date,
The trial in this action or proceeding: a is not yet set. b is set for (specify date, time, and place):	
Client is hereby notified of the following effects this order may have upon pa	arties.
NOTICE TO CLIE	NT
Your present attorney will no longer be representing you. You may one of the parties on the following list:	
 A guardian A conservator A trustee A personal representative A probate fiduciary A corporation 	A guardian ad litemAn unincorporated association
If you are one of these parties, YOU SHOULD IMMEDIATELY SEEK REPRESENTATION. Failure to retain an attorney may lead to an ord default judgment.	LEGAL ADVICE REGARDING LEGAL ler striking the pleadings or to the entry of a
NOTICE TO CLIENT WHO WILL BE I You will not have an attorney representing you. You may wish to se attorney to represent you in this action or proceeding, and you are it representing yourself. It will be your responsibility to comply with a do so, or fail to appear at hearings and the series of t	UNREPRESENTED ek legal assistance. If you do not have a new legally permitted to do so, you will be
do so, or fail to appear at hearings, action may be taken against you Client is notified that it is the client's duty to keep the court informed at all time	J. You may lose your case.
	
NOTICE TO CLIENT WHO WILL BE USE The court needs to know how to contact you. If you do not keep the address and telephone number, they will not be able to send you no actions that may adversely affect your interests or result in your los	court and other parties informed of your currentices of actions that may affect you including
The court further orders (specify):	
~ •	
	JUDGE OR JUDICIAL OFFICER

1	Meredith E. Brown - 142134 Guy A. Bryant -146190		
1	The Law Office of Bryant & Brown		
1	476 Third Street Oakland, CA 94607		
4	(510) 836-7563 (Telephone) (510) 836-7564 (Facsimile)		
5	Attorney for Defendant		
6	OAKLAND PORT SERVICES CORP. d/b/a AB TRUCKING, a California Corporation,		
7			
8	SUPERIOR COURT OF TH	IE STATE OF CALIFORNIA	
9	FOR THE COUN	TY OF ALAMEDA	
10			
11	LAVON GODFREY and GARY GILBERT,	Case No.: RG 08-379099	
12	on behalf of themselves and all other similarly	PROOF OF SERVICE	
13	Plaintiffs,	Action Filed: March 28, 2008 Date: June 18, 2013	
14	vs.	Dept.: 20 for Trial: February 14, 2012 Before Honorable Judge Robert B. Freedman	
15	OAKLAND PORT SERVICES CORP. d/b/a	Hearing Date: July 12, 2013	
16	AB TRUCKING, and DOES 1-20	R-1407813	
17	Defendant.		
18)		
19)		
20)		
21			
22	PROOF OF SERVICE		
23	I am employed in the County of Alameda. State of California I am over the age of 18		
24	I am employed in the County of Alameda, State of California. I am over the age of 18 and not a party to the within action. My business address is 476 Third Street, Oakland, California, 94607.		
25	On June 18, 2013, I served the foregoing do	ocuments described as:	

PROOF OF SERVICE

Page 1 of 3

NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL; DECLARATION OF GUY A. BRYANT IN SUPPORT THEREOF; PROPOSED ORDER on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows: SEE MAILING LIST INCLUDED HEREIN am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Oakland, California in the ordinary course of business. 8 (BY FACSIMILE/E-MAIL) by faxing or e-mailing a true and correct copy thereof to 9 the person(s) at the fax number or e-mail address set forth below. 10 (BY FEDERAL EXPRESS) by using express mail service and causing to be 11 delivered overnight next day delivery a true copy thereof to the person(s) at the address set forth above. 12 13 (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand 14 to the offices of the addressee. 15 (FEDERAL) I declare that I am employed in the office of a member of the bar 16 of this court at whose direction the service was made. 17 18 declare under penalty of perjury under the laws of the State of California that the above is true and correct. 19 <u>GUY A. BRYANT</u> 20 Signature/ 21 22 24 25

SERVICE LIST

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Attorney for: LAVON GODFREY and GARY GILBERT, ET AL.

VIA PERSONAL SERVICE ON ALL PARTIES LISTED HEREIN:

David A. Rosenfeld

Lisl R. Duncan

Weinberg, Roger & Rosenfeld

A Professional Corporation

1001 Marina Village Parkway, Suite 200

Alameda, California 94501-1091

Lisl Duncan [Iduncan@unioncounsel.net]

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DEFENDANT REPRESENTATIVE

Mr. William Aboudi AB Trucking/Oakland Port Services Corp. 11 Burma Road Oakland, CA 94607