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1 DAVID A. ROSENFELD, Bar No. 058163
2 CAREN P. SENCER, Bar No. 233488
3 LISL R. DUNCAN, Bar No. 261875
4 WEINBERG, ROGER & ROSENFELD
5 A Professional Corporation
6 1001 Marina Village Parkway, Suite 200
7 Alameda, California 94501-1091
8 Telephone 510.337.1001
9 Fax 510.337.1023

FILED
ALAMEDA COUNTY

OCT 01 2010

CLERK OF THE SUPERIOR COURT
By Debra Davidson Deputy

6 Attorneys for Plaintiffs
7 LAVON GODFREY and GARY GILBERT

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF ALAMEDA

11	LAVON GODFREY and GARY GILBERT, on)	Case No.	RG 08-379099
12	behalf of themselves and all others similarly)		
13	situated,)		
14	Plaintiffs,)		
15	v.)		
16	OAKLAND PORT SERVICES CORP. d/b/a)	Date: October 7, 2010	
17	AB TRUCKING, and DOES 1 through 20,)	Time: 2:00 p.m.	
18	inclusive,)	Judge: Robert B. Freedman	
19	Defendants.)	Dept.: 20	

19 Plaintiffs LAVON GODFREY and GARY GILBERT (hereinafter "GODFREY and/or
20 GILBERT") submit this Complex Case Management Statement in preparation for the complex
21 case management conference scheduled for October 7, 2010 at 2:00 p.m.

22 A. FACTUAL SUMMARY

23 This is a wage and hour class action litigation brought by two former drivers of Defendant
24 AB Trucking. Plaintiffs allege unfair business practices, violations of the California Labor Code
25 and violations of the Port of Oakland's Living Wage Ordinance (Oakland City Charter, Section
26 728). Plaintiffs seek to recover all wages due and applicable penalties on behalf of themselves and
27 others similarly situated. Plaintiffs also seek the difference between the Living Wage and the wage
28 rate paid for the four (4) years prior to the filing of the Complaint, for themselves and those

WEINBERG, ROGER &
ROSENFELD
A Professional Corporation
1001 Marina Village Parkway
Suite 200
Alameda, CA 94501-1091
510.337.1001

1 similarly situated. Under Section 9 of the Port Living Wage Ordinance, the Plaintiffs are
2 requesting treble damages, costs of litigation and attorneys' fees.

3 B. PARTIES

4 The two individual Plaintiffs bring suit on behalf of themselves and other similarly situated
5 employees and former employees of AB Trucking. Plaintiffs are represented by the law firm
6 Weinberg, Roger and Rosenfeld.

7 Defendant is represented by Jay Ian Aboudi, 1855 Olympic Boulevard, Suite 210
8 Walnut Creek, CA 94596.

9 C. DEADLINES AND LIMITS ON JOINDER AND AMENDED PLEADINGS

10 Plaintiffs do not intend to join any additional parties.

11 D. CLASS DISCOVERY AND CLASS CERTIFICATION

12 The parties entered into a stipulation for leave to amend the complaint, which was filed on
13 September 20, 2010. The Court granted leave to amend the complaint and the second amended
14 complaint was filed on September 20, 2010. Pursuant to California Code of Civil Procedure
15 section 471.5, Defendant has thirty (30) days to respond to the complaint.

16 Once an answer is filed, or thirty (30) days elapses, Plaintiffs intend to refile the class
17 certification motion that was on file with the Court as of July 19, 2010, unless the Court wishes
18 Plaintiffs to proceed in a different manner.

19 E. PROPOSED LITIGATION SCHEDULE

20 Plaintiffs await the Court's determination on the question of class certification. Plaintiffs
21 anticipate a motion for summary judgment to be heard shortly, within sixty (60) days, after the
22 Court's decision on class certification. Plaintiffs will propose a date for trial to be scheduled
23 shortly after any hearing on a motion for summary judgment, or on a timeline proposed by the
24 Court.

25 F. POTENTIAL EVIDENTIARY ISSUES

26 There are no potential evidentiary issues identified at this time.

27 G. PROCEDURAL POSTURE

28 1. **Unservd Parties:** All named Defendants have been served.

- 1 2. **Unserved/Unfiled Cross-Complaints:** None known.
- 2 3. **Related Actions:** None known.
- 3 4. **Jurisdictional or Venue Issues:** None known or anticipated.
- 4 5. **Discovery Status:** The parties continue to engage in the meet and confer process
- 5 and ongoing written discovery.
- 6 6. **Unresolved Law and Motion Matters:** The hearing date for the motion for
- 7 class certification will be set by the Court.
- 8 7. **ADR Proceedings:** Plaintiffs believe it would be in the best interest of the parties
- 9 to participate in mediation after class certification. Defendant does not believe this is an
- 10 appropriate case for ADR.
- 11 8. **Severance or Issues for Trial:** There are currently no known issues that
- 12 should be severed for trial purposes. Bifurcation of liability and damage issues may be efficient
- 13 for trial purposes.
- 14 9. **Calendar Conflicts:** As of this date, there are no known conflicting trial dates for
- 15 Plaintiffs' counsel.

16 H OTHER MATTERS

17 Plaintiffs are agreeable to streamlining discovery as set forth above and to use e-filing.

18 Dated: October 1, 2010

19 WEINBERG, ROGER & ROSENFELD
20 A Professional Corporation

21 By: 

22 DAVID A. ROSENFELD
23 CAREN P. SENCER
24 LISL R. DUNCAN
25 Attorneys for Plaintiffs

26 118212/591414

PROOF OF SERVICE
(CCP 1013)

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On October 1, 2010, I served upon the following parties in this action:

Jay Ian Aboudi
The Law Office of Jay Ian Aboudi
1855 Olympic Blvd., Ste. 210
Walnut Creek, CA 94596
jay@aboudi-law.com

copies of the document(s) described as:

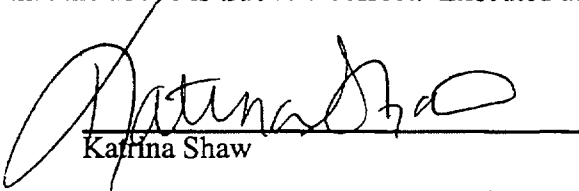
PLAINTIFFS' COMPLEX CASE MANAGEMENT CONFERENCE STATEMENT

BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

BY OVERNIGHT DELIVERY SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.

BY E-MAIL I caused to be transmitted each document listed herein via the e-mail address(es) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on October 1, 2010.



Kaffina Shaw