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DAVID A. ROSENFELD, Bar No. 058163
CAREN P. SENCER, Bar No. 233488
LISL R. DUNCAN, Bar No. 261875
WEINBERG, ROGER & ROSENFELD
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Attorneys for Plaintiffs
LAVON GODFREY and GARY GILBERT

OCT 12 2012

By Gracia Barbero Exec. Off/Clerk
FILED
ALAMEDA COUNTY
OCT 12 2012

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

LAVON GODFREY and GARY GILBERT, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

OAKLAND PORT SERVICES CORP. d/b/a
AB TRUCKING, and DOES 1 through 20,
inclusive,

Defendants.

Case No. RG08379099
**PLAINTIFFS' SUPPLEMENTAL
MEMORANDUM**

Date: November 9, 2012
Time: 2:00 p.m.
Dept.: 20
Judge: Hon. Robert B. Freedman

ORIGINAL
EXEMPT

Plaintiffs provide this supplemental memorandum at the request of the Court in its Notice of Intended Decision issued on October 2, 2012.

Filed herewith as Exhibit A is a proposed Judgment Form (with attachment), a Declaration of Andrea Don setting forth the proposed recovery for the Class with the computations based on the Court's conclusion in its Notice of Intended Decision, and the Declaration of Caren P. Sencer in support of the attorneys' fees requested through the form of judgment.

Plaintiffs anticipate that the claims administration will be performed Desmond, Marcello & Amster, the same administrator who was responsible for mailing the original Class Notice in this matter.

The attachment to the Judgment Form specifies the amounts owed to each individual.

1 These amounts are further detailed in Exhibit A to Andrea Don's Declaration. In Exhibit
2 A to Ms. Don's Declaration, the recovery per Class member is delineated into wages, penalties
3 and interest. It is anticipated that the Claims Administrator will send the appropriate checks to
4 each of these individuals along with the appropriate tax documentation. The Plaintiffs
5 respectfully request that the Court Order the Defendant to pay the employer portion of taxes on
6 all wages as well as the costs associated with the claims administration in this matter, which will
7 include the substantial work of tax documentation of both 1099s and W2s to each of the
8 Plaintiffs. Further, to ensure that the tax reporting is done appropriately, Plaintiffs request that
9 the Court Order Defendant to produce the social security numbers of each Class members to the
10 Claims Administrator.

11 It is anticipated that checks would go out with one simple mailing, indicating each Class
12 member has received their share of the judgment in the above-referenced matter and that tax
13 reporting documentation will be provided to them through the Claims Administrator.


14 As the Court's Order indicates Plaintiffs prevail on their unfair competition claim, they
15 are entitled to disgorgement. As such, Plaintiffs request that any unclaimed funds are provided to
16 the East Bay Alliance for a Sustainable Economy, a non-profit organization which actively works
17 on improving the wages and working conditions inside the Port of Oakland.

18 The total amount of attorneys' fees and costs in this case is \$370,123.10 in attorneys' fees
19 and \$41,480.81 in costs, as indicated in the Judgment Form. Support for these attorneys' fees and
20 costs is attached to the Declaration of Caren P. Sencer filed herewith. Plaintiffs are entitled to
21 fees and costs under both the California Labor Code and the Code of Civil Procedure.

22 Dated: October 12, 2012

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

23
24
25 By:


DAVID A. ROSENFELD
CAREN P. SENCER
LISL R. DUNCAN
Attorneys for Plaintiffs
LAVON GODFREY and GARY GILBERT

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27 118212/688230

Exhibit A

Exhibit A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): David A. Rosenfeld, SBN 058163 Caren P. Sencer, SBN 233488 /Lisl R. Duncan SBN 261875 Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200 Alameda, CA 94501-1091 TELEPHONE NO.: 510.337.1001 FAX NO. (Optional): 510.337.1023 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs	FOR COURT USE ONLY CASE NUMBER: RG08379099
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1221 Oak Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:	
PLAINTIFF: Lavon Godfrey and Gary Gilbert on behalf of themselves and all others similarly situated DEFENDANT: Oakland Port Services Corp. d/b/a AB Truc	
<p style="text-align: center;">JUDGMENT</p> <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input checked="" type="checkbox"/> After Court Trial <input checked="" type="checkbox"/> By Court <input type="checkbox"/> On Stipulation <input type="checkbox"/> Defendant Did Not Appear at Trial	

- JUDGMENT**
1. **BY DEFAULT**
 - a. Defendant was properly served with a copy of the summons and complaint.
 - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 - c. Defendant's default was entered by the clerk upon plaintiff's application.
 - d. **Clerk's Judgment** (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
 - e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
 - (1) plaintiff's testimony and other evidence.
 - (2) plaintiff's written declaration (Code Civ. Proc., § 585(d)).

 2. **ON STIPULATION**
 - a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
 - b. the signed written stipulation was filed in the case.
 - c. the stipulation was stated in open court the stipulation was stated on the record.

 3. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
 - a. The case was tried on (date and time): February 14-22, 2012, and March 12, 2012 before (name of judicial officer): Robert Freedman
 - b. Appearances by:

<input checked="" type="checkbox"/> Plaintiff (name each): (1) Lavon Godfrey (2) Gary Gilbert	<input checked="" type="checkbox"/> Plaintiff's attorney (name each): (1) David A. Rosenfeld Caren P. Sencer (2) Lisl R. Duncan
<input type="checkbox"/> Continued on Attachment 3b <input checked="" type="checkbox"/> Defendant (name each): (1) Oakland Port Services Corp. (2)	<input checked="" type="checkbox"/> Defendant's attorney (name each): (1) Guy Bryant (2)
 - c. Continued on Attachment 3b.
 - d. Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - e. A statement of decision (Code Civ. Proc., § 632) was not was requested.

PLAINTIFF: Lavon Godfrey and Gary Gilbert on behalf of themselves and all others similarly situated DEFENDANT: Oakland Port Services Corp. d/b/a AB Truck	CASE NUMBER: RG08379099
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JUDGMENT IS ENTERED AS FOLLOWS BY: THE COURT THE CLERK

4. **Stipulated Judgment.** Judgment is entered according to the stipulation of the parties:

5. **Parties.** Judgment is

a. for plaintiff (*name each*): Lavon Godfrey, Gary Gilbert and the class
 and against defendant (*names*): Oakland Port Services Corp.

c. for cross-complainant (*name each*):
 and against cross-defendant (*name each*):

Continued on Attachment 5a. Continued on Attachment 5c.

b. for defendant (*name each*): d. for cross-defendant (*name each*):

6. **Amount.**

a. Defendant named in item 5a above must pay plaintiff on the complaint: c. Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint:

Damages and interest by class member as shown in Exh. A.

(1)	<input checked="" type="checkbox"/>	Damages	\$ 724,903.80
(2)	<input checked="" type="checkbox"/>	Prejudgment interest at the annual rate of 10%	\$ 239,653.28
(3)	<input checked="" type="checkbox"/>	Attorney fees	\$ 370,123.10
(4)	<input checked="" type="checkbox"/>	Costs	\$ 41,480.81
(5)	<input type="checkbox"/>	Other (<i>specify</i>):	\$
(6)		TOTAL	\$1,376,160.99

(1)	<input type="checkbox"/>	Damages	\$
(2)	<input type="checkbox"/>	Prejudgment interest at the annual rate of %	\$
(3)	<input type="checkbox"/>	Attorney fees	\$
(4)	<input type="checkbox"/>	Costs	\$
(5)	<input type="checkbox"/>	Other (<i>specify</i>):	\$
(6)		TOTAL	\$

b. Plaintiff to receive nothing from defendant named in item 5b.
 Defendant named in item 5b to recover costs \$ and attorney fees \$

d. Cross-complainant to receive nothing from cross-defendant named in item 5d.
 Cross-defendant named in item 5d to recover costs \$ and attorney fees \$

7. Other (*specify*): Defendant to pay employer portion of payroll taxes on wages; defendant to pay costs of claims administration and to provide social security numbers to claims administrator.

Date: _____
JUDICIAL OFFICER

Date: Clerk, by _____, Deputy

(SEAL)

CLERK'S CERTIFICATE (Optional)

I certify that this is a true copy of the original judgment on file in the court.

Date:

Clerk, by _____, Deputy

Exhibit 1

Exhibit 1

Godfrey, et al. v. AB Trucking Damages Model Summary

Alpha Order	Class ID	LastName	FirstName	Total
1	206000001	ABDO ALGAISHI	SAEED A	\$ 14,841.61
2	206000006	ANDERSON	RAQUEL D	\$ 44,658.59
3	206000008	ANDRADE	ERASMO S	\$ 12,033.34
4	206000012	BEASLEY	ALFONZO R	\$ 11,974.47
5	206000018	BOURASS	AHMED	\$ 6,118.47
6	206000020	BOWDEN	DARYL S	\$ 6,874.71
7	206000022	CARLIS	MACK H	\$ 8,915.15
8	206000024	CARTER	DARNELLY	\$ 6,456.98
9	206000026	CASTILLO	JULIO I	\$ 4,165.94
10	206000031	CLARK	IVAN R	\$ 8,592.96
11	206000034	COLLINS	TERRELL D	\$ 11,602.48
12	206000036	COOPER	IKE	\$ 43,570.29
13	206000038	COX	STEPHANIE M	\$ 7,659.71
14	206000040	CUNANAN	JOEL D	\$ 15,156.49
15	206000042	CURRY	ANITA O	\$ 10,950.11
16	206000044	DANIELS	DANNY E	\$ 10,316.81
17	206000046	DAVIS	DENNIS L	\$ 6,526.18
18	206000048	ESCOBAR	RAFAEL	\$ 33,014.11
19	206000050	EVANS	CHARLIE E	\$ 4,806.49
20	206000052	FAISON	MAURICE D	\$ 13,635.85
21	206000056	FLORES	RAUL O	\$ 9,754.99
22	206000062	GEBREMARIAM	TSEGAI A	\$ 8,721.64
23		Gilbert	Gary	\$ 12,613.64
24		Godfrey	Lavon	\$ 11,481.81
25	206000064	HARRIS	WILLIAM A	\$ 9,026.01
26	206000066	HARRISON	CARLOS D	\$ 11,478.04
27	206000068	HAYLOCK	CHRIS W	\$ 3,411.02
28	206000071	HAYS	STEVEN A	\$ 33,366.47
29	206000073	HERNANDEZ	RICHARD P	\$ 8,146.16
30	206000076	HILL	VINCE M	\$ 11,185.17
31	206000078	HOUSTON	DEMAURAE S	\$ 3,735.01
32	206000080	ISBEIH	JAMAL Y	\$ 2,119.84
33	206000082	JACKSON	TIMOTHY B	\$ 5,926.40
34	206000086	JOHNSON	ERNEST	\$ 47,197.50
35	206000088	JOHNSON	JIMMY R	\$ 11,460.15
36	206000090	JOHNSON	KEVIN L	\$ 7,164.77
37	206000092	KLOAK	THON T	\$ 4,670.08
38	206000094	KROMAH	AMADOU	\$ 13,714.26
39	206000096	LE	THANH T	\$ 9,730.43
40	206000098	LINDSEY	LONELL L	\$ 12,613.27
41	206000100	LLEWELLYN	SAGA S	\$ 32,093.55
42	206000102	LUPE	JEFFREY K	\$ 7,095.42
43	206000104	MARIN-AVILA	BENJAMIN	\$ 5,297.68
44	206000106	MARTIN	LUCIOUS B	\$ 5,837.59
45	206000108	MCCRIGHT	IAN G	\$ 8,532.55
46	206000110	MEZA-TAPIA	JUAN M	\$ 29,483.93
47	206000112	MITCHELL	ROGER M	\$ 10,239.80

Godfrey, et al. v. AB Trucking Damages Model Summary

Alpha Order	Class ID	LastName	FirstName	Total
48	206000114	MORGAN	GEORGE J	\$ 3,344.44
49	206000116	MOTLEY	RONALD C	\$ 14,167.04
50	206000122	RAWLS	LENA M	\$ 4,104.30
51	206000124	RIVERA	MIRNA	\$ 3,853.23
52	206000126	ROMERO	JOSE V	\$ 21,873.25
53	206000128	ROYAL	DETRICK W	\$ 26,855.48
54	206000130	RUIZ	ORLANDO O	\$ 10,588.10
55	206000132	RUTHERFORD	DARRELL	\$ 4,672.89
56	206000134	SALSAMENDI	CESAR R	\$ 4,238.00
57	206000136	SEASTRUNK	MARVIN P	\$ 6,537.47
58	206000138	SHEPPARD	JUAN D	\$ 4,499.53
59	206000140	SILVA	SCOTT W	\$ 17,433.75
60	206000143	SIMPSON	GEOFFREY N	\$ 36,735.83
61	206000145	SIMS	TERRANCE N	\$ 6,704.35
62	206000147	SMITH	RICHARD	\$ 42,685.70
63	206000149	SMYTH	ROBERT	\$ 5,009.11
64	206000152	SOTELO-PANEZ	OSCAR V	\$ 4,265.78
65	206000155	SULLIVAN	GREGORY W	\$ 6,647.13
66	206000158	TABAR	TED A	\$ 14,011.45
67	206000160	THOMPSON	MONDELL T	\$ 15,785.27
68	206000162	WALKER	TERRANCE J	\$ 11,838.60
69	206000164	WALTON	RAASAN I	\$ 6,851.92
70	206000166	WELLEMAYER	STEVEN E	\$ 34,488.70
71	206000169	WILLIAMS	FREDERICK M	\$ 9,704.05
72	206000171	WILLIAMS	GINA E	\$ 20,316.94
73	206000173	WILLIAMS	JOE L	\$ 9,376.85

\$964,557.08

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**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On October 12, 2012, I served the following documents in the manner described below:

PLAINTIFFS' SUPPLEMENTAL MEMORANDUM

- (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Alameda, California.
- (BY FACSIMILE) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.

On the following part(ies) in this action:

Mr. Guy A. Bryant
Bryant & Brown
476 3rd Street
Oakland, CA 94607
(510) 836-7564 (fax)
guybryant@bryantbrownlaw.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 12, 2012, at Alameda, California.


Jennifer Watkinson

118212/688277