

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Godfrey	Plaintiff/Petitioner(s)
VS.	
AB Trucking, Inc.	Defendant/Respondent(s)
(Abbreviated Title)	

No. **RG08379099**

Minutes

Department 20 Honorable Robert B. Freedman, Judge
Reporter Tracy Turner CSR#13030

Cause called for Motion: October 28, 2011.

For attendance, see "Attendance Sheet" filed for this date.

On the Motion of plaintiffs Lavon Godfrey and Gary Gilbert, on behalf of themselves and all others similarly situated ("Plaintiffs") for Summary Adjudication ("Motion") -

PARTIES ARE TO APPEAR.

The parties should be prepared to address the following:

1) Although no procedural issues were raised by defendant Oakland Port Services Corp. dba AB Trucking ("Defendant"), the parties should be prepared to address, and to provide applicable authority for and/or against, the issue of whether Plaintiff's Motion, by which Plaintiffs seek a liability determination only, leaving all damages related determinations for trial (see, e.g., Plaintiffs' Memorandum of Points and Authorities in Support, page 11, fn7), "completely disposes of a cause of action, an affirmative defense, a claim for damages, or an issue of duty." (Code of Civil Procedure ("CCP") section 437c(f)(1); see also, CCP section 437c(n)(3).) Of particular interest to the Court are cases arising in the context of a post-certification class action, if any.

2) In light of the fact that the California Supreme Court has set a hearing date in Brinker (S166350) on November 8, 2011, the parties should be prepared to address whether a continuance of the trial date in this case might be appropriate.

Case continued to 03:00 PM on 11/10/2011 in Department 20, Civil Law and Motion, Administration Building, 1221 Oak Street, Oakland.

Minutes of 10/28/2011
Entered on 11/08/2011

Executive Officer / Clerk of the Superior Court

By

 digital

Deputy Clerk