



1 JAY IAN ABOUDI (SBN: 251984)  
 THE LAW OFFICE OF JAY IAN ABOUDI  
 2 1855 Olympic Blvd., Ste. 210  
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 3 Telephone: (925) 465-5155  
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**FILED**  
 ALAMEDA COUNTY

NOV 10 2011

CLERK OF THE SUPERIOR COURT  
 By [Signature] Deputy

5 Attorneys for Defendants  
 OAKLAND MARITIME SUPPORT  
 6 SERVICES, INC. and OAKLAND  
 PORT SERVICES CORPORATION  
 7 dba AB TRUCKING

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

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

CASE NO. RG 08-379099

13 Plaintiffs,

**DECLARATION OF JAY IAN ABOUDI  
 IN SUPPORT OF EX PARTE  
 APPLICATION FOR AN ORDER TO  
 CONTINUE TRIAL ON BEHALF OF  
 DEFENDANT OAKLAND PORT  
 SERVICES CORPORATION d/b/a AB  
 TRUCKING**

14 v.

16 OAKLAND PORT SERVICES  
 17 CORPORATION d/b/a AB TRUCKING, and  
 DOES 1 through 20, inclusive,

Date: November 10, 2011  
 Time: 3:00 p.m.  
 Place: Department 20  
 Judge: Hon. Robert Freedman

19 Defendants.

Trial Date: November 29, 2011

21 I, JAY IAN ABOUDI, declare:

23 1. I am an attorney at law in good standing, licensed by the State of California to practice  
 24 in all the courts of the State of California and in this court. I serve as counsel of record on behalf  
 25 of defendant OAKLAND PORT SERVICES CORPORATION d/b/a AB TRUCKING in the  
 26 above captioned action. I have personal knowledge of the facts set forth in the following  
 27 declaration and if called as a witness I could and would testify as set forth herein. I submit this  
 28 present declaration in support of my clients' ex parte application for an order continuing trial.

1           2. On October 11, 2011, I filed a motion to be relieved as counsel in this matter on the  
2 grounds of the debilitating illness of defendant's counsel. Said motion is set to be heard  
3 November 17, 2011.

4           3. Since September 20, 2011, Defendant, with my help, has been diligently searching for  
5 replacement counsel. Mr. Bryant from the Law Office of Bryant & Brown has agreed to  
6 substitute into the action if the pending motion to be relieved as counsel is granted and the Court  
7 grants this motion to continue trial for a period of 90-120 days.

8           4. Plaintiffs' attorneys are Lisl Duncan, Caren Sencer, and David Rosenfeld from the  
9 firm of Weinberg, Roger and Rosenfeld. The address and telephone numbers of Plaintiffs'  
10 attorneys are: 1001 Marina Village Parkway, Suite 200, Alameda, CA 94501, (510) 337-1001,  
11 and facsimile (510) 337-1023.

12           5. On November 9, 2011, I sent notice of this Ex Parte Application to Ms. Duncan and  
13 Ms. Sencer via facsimile at approximately 2:30 p.m., providing notice of the room, department,  
14 time, date, and relief requested, and I requested plaintiffs' counsel to advise whether they will  
15 oppose the application to continue the trial date in this matter. Attached hereto as **EXHIBIT A**  
16 is a true and correct copy of the notice. On November 9, 2011 I also attempted to contact  
17 opposing counsel and left a voicemail on said date. I was unavailable when opposing counsel  
18 returned my call, leaving a voice mail on said date.

19           6. It is my good faith belief that substantial harm and prejudice would be experienced by  
20 my client if because of my debility it were to go unrepresented at the time of trial. My client is a  
21 corporate entity and obviously cannot represent itself, but must be represented through counsel.  
22 If the court does not change the time of the trial, this defendant will be substantially harmed and  
23 prejudiced.

24           7. I have not sought any prior time modifications in this case, whether by stipulation or  
25 by court order.


26           8. I do not believe that the requested time modification will in any way substantially  
27 adversely affect the administration of justice this case. Plaintiffs have been entitled to and have

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1 conducted discovery and the ability of plaintiffs eventually to proceed to trial will not be  
2 hampered.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct.

5 Dated: November 10, 2011

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7 JAY IAN ABOUDI

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THE LAW OFFICE OF  
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November 9, 2011

**Sent Via Facsimile Only**

Lisl Duncan, Esq.  
Caren Sencer, Esq.  
Weinberg Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091  
Fax: (510) 337-1023

Re: *Godfrey et al. v. Oakland Port Services Corporation d/b/a AB Trucking*  
Alameda County Superior Court Case No. RG 08-379099

Dear Counsel:

Pursuant to CRC Rule 3.1203, we are informing you that on **November 10, 2011 at 3:00 p.m.**, we will appear *ex parte* before Judge Freedman in Department 20 to request an order continuing the trial in this matter.

Please contact me via facsimile or phone to let me know if you will oppose this Application. My fax number is (925) 465-5169 and my telephone number is (925) 465-5155.

Thank you.

Very truly yours,



Jay Ian Aboudi, Esq.