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 ATTORNEY FOR (Name): Plaintiffs Lavon Godfrey and Gary Gilbert, et al.

FOR COURT USE ONLY
 FILED
 ALAMEDA COUNTY
 2012 OCT 18 PM 1:15
 CLERK OF THE COURT
 [Signature]

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, et al.
 DEFENDANT: Oakland Port Services Corp. d/b/a AB Trucking, et al.

EX PARTE
 RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT)
 ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT (RESIDENT)

CASE NUMBER:
 RG08379099

1. The application and supporting declaration or affidavit of plaintiff (name): Lavon Godfrey and Gary Gilbert, et al. for an ex parte right to attach order and order for issuance of writ of attachment order for issuance of an additional writ of attachment has been considered by the court.

FINDINGS

2. THE COURT FINDS

- a. Defendant (specify name): Oakland Port Services Corp., et al. is a natural person partnership unincorporated association corporation other (specify):
- b. The claim upon which the application is based is one upon which an attachment may be issued under Code of Civil Procedure section 483.010 Welfare and Institutions Code section 15657.01.
- c. Plaintiff has established the probable validity of the claim upon which the attachment is based.
- d. The attachment is not sought for a purpose other than recovery on the claim upon which the application is based.
- e. The amount to be secured by the attachment is greater than zero.
- f. The affidavit or declaration accompanying the application shows that the property sought to be attached, or the portions thereof to be specified in the writ, are not exempt from attachment.
- g. The portion of the property sought to be attached described in item 3b, is not exempt from attachment.
- h. An undertaking in the amount of: \$ _____ is required before a writ shall issue, and plaintiff has has not filed an undertaking in that amount.
- i. Great or irreparable injury will result to the plaintiff if issuance of the order is delayed until the matter can be heard on notice, based on the following:
 - (1) There is a danger that the property sought to be attached would be
 - (a) concealed. (b) substantially impaired in value.
 - (c) made unavailable to levy by other than concealment or impairment in value.
 - (2) Defendant has failed to pay the debt underlying the requested attachment and is insolvent as defined in Code of Civil Procedure section 485.010(b)(2), as set forth in the affidavit or declaration filed in support of this application, and that specifies the defendant's known undisputed debts and the basis for plaintiff's determination that the defendant's debts are undisputed.
 - (3) A bulk sales notice was recorded and published pursuant to division 6 of the Commercial Code with respect to a bulk transfer by the defendant.
 - (4) An escrow has been opened pursuant to the provisions of Business and Professions Code section 24074 with respect to the sale by the defendant of a liquor license. The liquor license number is:
 - (5) Other circumstances (specify):
- j. A Right to Attach Order was issued on (date): _____ pursuant to Code of Civil Procedure section 484.090 (on notice) Code of Civil Procedure section 485.220 (ex parte)
- k. other (specify):

ORIGINAL

FAXED

SHORT TITLE: Godfrey, et al. v. Oakland Port, et al.

CASE NUMBER:

RG08379099

ORDER

3. THE COURT ORDERS

a. Plaintiff has a right to attach property of defendant (*name*): Oakland Port Services

in the amount of: \$ 1,376,161

b. The clerk shall issue a writ of attachment an additional writ of attachment in the amount state in item 3a
 forthwith upon the filing of an undertaking in the amount of: \$(1) for the property covered by a bulk sales notice with respect to a bulk transfer by defendant or the proceeds of the sale of such property, described as follows (*specify*):(2) for plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold. The license number is (*specify*):(3) for any property of a defendant who is not a natural person for which a method of levy is provided.(4) for property of a defendant who is a natural person subject to attachment under Code of Civil Procedure section 487.010 (*specify*):c. Defendant shall transfer to the levying officer possession of(1) any documentary evidence in defendant's possession of title to any property described in item 3b.(2) any documentary evidence in defendant's possession of debt owed to defendant described in item 3b.(3) the following property in defendant's possession (*specify*):

<p>NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT YOU TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.</p>
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d. Other (*specify*):

e. Total number of boxes checked in item 3: _____

Date:

(JUDICIAL OFFICER)

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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 18, 2012, I served the following documents in the manner described below:

EX PARTE RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT)

- (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 ELECTRONIC SERVICE) By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from jwatkinson@unioncounsel.net to the email addresses set forth 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 18, 2012, at Alameda, California.


Jennifer Watkinson

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