



FC *7376358*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

David A. Rosenfeld, Bar No. 058163
Caren P. Sencer, Bar No. 233488
Lisl R. Duncan, Bar No. 261875
Weinberg, Roger & Rosenfeld, 1001 Marina Village Pkwy
Suite 200, Alameda, CA 94501-1091
TELEPHONE NO.: (510) 337-1001 FAX NO. (Optional): (510) 337-1023

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda

STREET ADDRESS: 1225 Fallon Street

MAILING ADDRESS:

CITY AND ZIP CODE: Oakland, CA 94612

BRANCH NAME:

PLAINTIFF/PETITIONER: Lavon Godfrey, et al.

DEFENDANT/RESPONDENT: Oakland Port Services Corp., et al.

FILED
ALAMEDA COUNTY
FEB 27 2009
CLERK OF THE SUPERIOR COURT
M. Hayer
Deputy

CASE MANAGEMENT STATEMENT

(Check one): **UNLIMITED CASE** (Amount demanded exceeds \$25,000) **LIMITED CASE** (Amount demanded is \$25,000 or less)

CASE NUMBER:

RG 08-379099

A **CASE MANAGEMENT CONFERENCE** is scheduled as follows:

Date: March 12, 2009 Time: 3:15 p.m. Dept.: 24 Div.: Room:

Address of court (if different from the address above):

Administration Building, Third Floor, 1221 Oak St., Oakland, CA 94612

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. Party or parties (answer one):

- a. This statement is submitted by party (name): Lavon Godfrey and Gary Gilbert
- b. This statement is submitted jointly by parties (names):

2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)

- a. The complaint was filed on (date): March 28, 2008
- b. The cross-complaint, if any, was filed on (date):

3. Service (to be answered by plaintiffs and cross-complainants only)

- a. All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
- b. The following parties named in the complaint or cross-complaint
 - (1) have not been served (specify names and explain why not):
 - (2) have been served but have not appeared and have not been dismissed (specify names):
 - (3) have had a default entered against them (specify names):
- c. The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):

4. Description of case

a. Type of case in complaint cross-complaint (describe, including causes of action):
 Plaintiffs, former employees of Defendant, sue for failure to provide meal and rest breaks, failure to provide all compensation as required by law, and failure to provide the Oakland Living Wage. Plaintiffs allege these failures are unfair business practices.

PLAINTIFF/PETITIONER: Lavon Godfrey, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT:Oakland Port Services Corp., et al.	RG 08-379099

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*
 Plaintiffs are truck drivers employed by Defendant at the Port of Oakland. Plaintiffs allege on behalf of themselves and others similarly situated that they were regularly denied meal and rest periods, regularly denied compensation for all hours worked and paid an inappropriate wage rate. Plaintiffs allege these failures are predicate unfair business acts under Business and Professions code section 17200 et seq.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial *(if more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

- a. The trial has been set for *(date):*
 b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain):*
 c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability):*

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one):*

- a. days *(specify number):* 3-6
 b. hours (short causes) *(specify):*

8. **Trial representation** *(to be answered for each party)*

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- a. Attorney:
 b. Firm:
 c. Address:
 d. Telephone number:
 e. Fax number:
 f. E-mail address:
 g. Party represented:

Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference *(specify code section):*

10. **Alternative Dispute Resolution (ADR)**

- a. Counsel has has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
 b. All parties have agreed to a form of ADR. ADR will be completed by *(date):*
 c. The case has gone to an ADR process *(indicate status):*

PLAINTIFF/PETITIONER: Lavon Godfrey, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: Oakland Port Services Corp., et al.	RG 08-379099

10. d. The party or parties are willing to participate in (check all that apply):

- (1) Mediation
- (2) Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
- (3) Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
- (4) Binding judicial arbitration
- (5) Binding private arbitration
- (6) Neutral case evaluation
- (7) Other (specify):

e. This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.

f. Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

g. This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

The party or parties are willing to participate in an early settlement conference (specify when): After the completion of class certification discovery.

12. Insurance

- a. Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

Bankruptcy Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- Additional cases are described in Attachment 14a.
- b. A motion to consolidate coordinate will be filed by (name party):

15. Bifurcation

The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
Plaintiffs reserve the right to file a Motion for Summary Judgment or Summary Adjudication. Plaintiffs also anticipate filing a Motion for Class Certification.

PLAINTIFF/PETITIONER: Lavon Godfrey, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: Oakland Port Services Corp., et al.	RG 08-379099

17. **Discovery**

- a. The party or parties have completed all discovery.
 b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Plaintiffs	Request for Admissions	May 2009
Plaintiffs	Request for Production of Documents	May 2009
Plaintiffs	Request for Interrogatories	May 2009
Plaintiffs	Depositions	July 2009

- c. The following discovery issues are anticipated (*specify*):

18. **Economic Litigation**

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
 b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. **Other issues**

- The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. **Meet and confer**

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
 b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. **Case management orders**

Previous case management orders in this case are (*check one*): none attached as Attachment 21.

22. Total number of pages attached (*if any*): 0

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: February 25, 2009

Lisl R. Duncan _____
 (TYPE OR PRINT NAME)

▶  _____
 (SIGNATURE OF PARTY OR ATTORNEY)

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached

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 February 26, 2009, I served upon the following parties in this action:

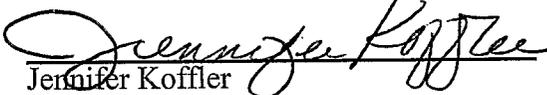
Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

copies of the document(s) described as:

PLAINTIFFS' CASE MANAGEMENT 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 PERSONAL SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.
- 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 FACSIMILE** I caused to be transmitted each document listed herein via the fax number(s) 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 February 26, 2009.


Jennifer Koffler

118212/517766